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# Determinants of College Students' Opinions Towards Felon Voting Rights: An Exploratory Study

Edwards Brenda Cherie Dawson  
*Virginia Commonwealth University*

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*DETERMINANTS OF COLLEGE STUDENTS' OPINIONS TOWARDS FELON VOTING  
RIGHTS: AN EXPLORATORY STUDY*

A Dissertation submitted in partial fulfillment of the requirements for the degree of  
Doctor of Philosophy at Virginia Commonwealth University.

by

BRENDA CHERIE DAWSON EDWARDS  
BA in Journalism/Sociology, Western Kentucky University, 2000  
MS in Justice Administration, University of Louisville, 2001

Director: Faye S. Taxman, Ph.D.  
Professor, Criminal Justice

Virginia Commonwealth University  
Richmond, Virginia  
May 2007

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## Abstract

### *DETERMINANTS OF COLLEGE STUDENTS' OPINIONS TOWARDS FELON VOTING RIGHTS: AN EXPLORATORY STUDY*

By Brenda Cherie Dawson Edwards, Ph.D.

A Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor  
of Philosophy at Virginia Commonwealth University.

Virginia Commonwealth University, 2007.

Major Director: Faye S. Taxman, Ph.D.  
Professor, Criminal Justice

The disenfranchisement of felons follows a long American tradition of selectively granting the most coveted democratic tradition - voting. As a collateral “civil” consequence to criminal conviction that is legally deemed as non-penal, felon voting prohibitions have been used as an exclusionary tool for certain otherwise eligible voting populations. Current research finds that African-Americans individually and collectively may experience diminished voting power due to felon voting laws (Uggen & Manza, 2002; Manza & Uggen, 2004; King & Mauer, 2004).

The purpose of this research is to examine opinions toward felon voting prohibitions in a state that has one of the most restrictive laws in this area. Kentucky is the only state that absolutely restricts all convicted felons from voting and maintains the same voting rights restoration process regardless of offense type, whereas other similarly restrictive states have legally, though not practically, streamlined this process for some offenders. The sample consists of predominantly African-American college students that live and learn as students in Kentucky. It utilizes a modified version of the national survey instrument created by Manza, Brooks & Uggen (2004) - which measured attitudes toward felon enfranchisement based on variations of the correctional status of a convicted criminal and the crime committed by an individual. The data collection instrument was modified to include questions to examine respondent demographic characteristics and moderator variables that may impact opinions toward felon voting prohibitions.

The analyses examine the interactions between socio-demographic characteristics, level of knowledge, attitudes towards rehabilitation, and opinions towards the restoration and retention of voting rights. The findings suggest that the majority of respondents favor restoration and retention, though subgroup differences among respondents and subcategory differences among the dependent variables, such as offense type and offender correctional status, determine the level and strength of support for felon voting rights. The implications of the findings are contextualized by examining the importance of voting in a democracy; the significance of examining the attitudes of young African-Americans; the impact of socialization on political opinions; and the effect of legal status and offense type on opinions towards felon voting rights.

## **CHAPTER 1**

### **Introduction**

The history of America reveals many efforts to directly disenfranchise various classes of people. At some point in US history, women, nonwhites, illiterates, low-income persons (Fellner & Mauer, 1998; Johnson-Parris, 2003) and convicted felons were all not afforded the right to vote based on their status in American society (Johnson-Parris, 2003). The “lost” votes of disenfranchised felons follow a long American tradition of selectively granting the franchise. In fact, before the United States Constitution was penned, individual states were writing their own voting laws, which were derivative of British and colonial American suffrage laws (Keyssar, 2000). Over one hundred years later, state and federal laws still reflect the archaic notion that only certain people have a stake in society and are worthy of participating in the electorate.

This dissertation seeks to address the question of whether or not members of the American public still believe that convicted felons are not entitled the right to vote. The opinions of college students attending a predominantly African-American university in Kentucky will be examined through survey research. The data will be used to better understand determinants of support for the restoration and retention of felon voting rights. This research is timely and relevant to events that have occurred in recent years across the country. Though this study focuses on Kentucky laws, research from other states provides

examples of the potential impact of felony disenfranchisement laws. Research spurred by the Florida election procedures and results in the 2000 Presidential elections yielded information that thousands were disenfranchised because of actual felony convictions or the fraudulent placement of innocent names of felon voter lists (King & Mauer, 2004). This mass disenfranchisement potentially caused an unconstitutional impact on the Florida election results, which may have subsequently affected the presidency (Simson, 2002; Uggen & Manza, 2004). As a result, a series of lawsuits filed by groups such as the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU) have challenged the fairness of Florida's voting system, citing the 600,000 Florida ex-felons who are ineligible to vote though their sentences are complete (Glanton, 2004).

Since then, several studies have been conducted to explore the electoral impact of felon that voting prohibitions have on U.S. presidential and senate elections. Sociologists Jeff Manza and Christopher Uggen have extensively studied the electoral impact of disenfranchised felons by extracting data from the *Survey of State Prison Inmates* and estimating the voting behavior of felons based on the demographic data of their non-incarcerated counterparts (Manza & Uggen, 2002; Uggen & Manza, 2004). Their two analyses considered both the total criminally disenfranchised population and separate correctional statuses – ex-felon, probation, and parole.

Their first research project sought to discover “whether felon disenfranchisement has had meaningful political consequences in past elections” (Uggen & Manza, 2002, p. 782). The data included elections from 1972-2000. They examined the possible election



outcomes in a hypothetical situation where all disenfranchised felons could vote. For presidential elections, they approximated participation from 35% of felons. For senate elections in “nonpresidential election” years, they estimated participation from 24% of disenfranchised felons (p. 786). For both types of elections, the theoretical felon voters demonstrated a strong alliance with the Democratic Party. The alliance was more pronounced in presidential elections, but Uggen and Manza concluded that felon voting prohibitions have given the Republican Party a minimal, but apparent lead in each presidential and senatorial election in the study. Overall, they found that the inclusion of the entire disenfranchised felon population made a significant impact, but when correctional statuses were considered independently, it appeared that nonincarcerated felons, who make up the bulk of the disenfranchised, likely had a greater impact on Democratic election losses (Uggen & Manza, 2002).

The second research project, published in 2004, expanded on their previous research and included data from 1978-2000. This research used similar, but modified research methods focusing on “whether the disenfranchisement of non-incarcerated felons have any practical impact on American electoral politics?” (p.497). The study validated Uggen and Manza’s previous findings on the 2000 Presidential election provided new evidence suggesting that three Senate elections could have also been affected by the absent votes of convicted felons (Manza & Uggen, 2004). For the 2000 presidential election, they found that an estimated 27.2% of Florida’s 613,514 disenfranchised felons would have voted (Manza & Uggen, 2004). More specifically, an estimated 63,542 would have voted

Democratic (Manza & Uggen, 2004). Collectively, these results reveal a significant impact on the 2000 Presidential election, which was won by only 537 votes.

Even more relevant to this research were the three Senate elections – Virginia 1978, Kentucky 1984, Kentucky 1998- pinpointed by the Manza and Uggen study. In 1984 Republican Mitch McConnell beat Democrat Walter Huddleston. Twenty years later, Mitch McConnell still holds a seat in the US Senate representing the Commonwealth of Kentucky. Additionally, or ironically, he has been a stark opponent to felon voting rights. In 2002, in his opposing comments to the proposed Civic Participation and Rehabilitation Act, he declared, “States have a significant interest in reserving the vote for those who have abided by the social contract...Those that break our laws should not dilute the vote of law-abiding citizens” (Behrens, Uggen & Manza, 2003, p. 571), this statement exemplifies his disdain for granting the franchise to convicted felons.

Senator McConnell’s opposition of the federal felon voting bill seems to be in contrast to what his home state and other states have done in recent years. The result of such staggering statistics, legal challenges and research projects has seemingly sparked a trend in re-evaluating state voter eligibility requirements. Since the 2000 election, nine states have reduced the stringency of their felon voting laws, thus allowing more convicted felons to vote. Others have streamlined the restoration process to make it easier for convicted felons to regain their voting rights.

#### Statement of the Problem

In line with the rest of the country, Kentucky lawmakers have attempted many times to modify the current law. In 2001, the Kentucky General Assembly passed HB 281

which succeeded in streamlining the voting restoration process for ex-felons. Other proposals were not successful, such as SB 239 (2004) and HB 480 (2006), both of which attempted to automatically restore ex-felon voting rights in Kentucky. In addition to proposed legislation, a coalition – Restoration of Voting Rights Campaign (ROVRC) – was created in 2004 to mobilize grassroots efforts designed to influence ex-felon enfranchisement. The group strives to gain legislation that will modify the state's constitution and provide automatic restoration for former felons. The coalition has been instrumental in a public education campaign across the state.

In addition, several research studies have attempted to demonstrate the importance of this issue in Kentucky. In 2005, the American Civil Liberties Union of Kentucky (ACLU-KY) released the results of a survey designed to measure the level of knowledge of felon voting eligibility maintained by Kentucky county clerks and probation and parole officers (Keener & Kruessel, 2005). The rationale for the ACLU study was based on the fact that county clerks and probation and parole officers provide information on the state's voting restoration procedures to felons (Keener & Kruessel, 2005). As such, it seems imperative for this population to be knowledgeable due to the fact that false voter registration information could hypothetically cause the ex-felon to commit voter fraud, which may lead to further disenfranchisement.

The study revealed approximately 42% of county clerks provided faulty information when asked whether or not probationers and parolees were eligible to register to vote in Kentucky (Keener & Kruessel, 2005). Forty-eight percent of probation and parole officers were reportedly uncertain whether or not felons convicted of a federal crime

could register to vote (Keener & Kruessel, 2005). More importantly is their evidence of disseminated faulty information. For instance, there was evidence that some respondents indicated beliefs that voting rights were automatically restored upon completion of a sentence (Keener & Kruessel, 2005). Overall, the study found that probation and parole officers were only slightly more knowledgeable about felon voting eligibility than county clerk employees (Keener & Kruessel, 2005).

In 2006, Wahler released her study on parolee perceptions of Kentucky's felon voting restriction. Wahler alarmingly found that 90% of the parolee respondents lacked knowledge of the restoration of voting rights process in Kentucky and that many of them did not possess the ability to successfully complete the process. The respondents also reported feelings of alienation and believed it was unfair to permanently disenfranchise all felons, specifically former felons. As the first study of its kind in a permanently disenfranchising state, this study has important implications for the research conducted for this dissertation. As such, the methodology and detailed results will be discussed in Chapter 4.

In November 2006, the ROVRC released the latest data on the public's opinions towards the restoration of felon voting rights in Kentucky. The Summer 2006 Kentucky Survey included the following question:

*There has been some discussion recently about the right to vote in this state. "Currently, the Kentucky constitution requires that a person convicted of a felony loses his right to vote for the rest of his or her life unless restored by the governor. Some people feel that a person who has completed their entire sentence and now lives in the community should have the right to vote restored automatically. Are you in favor of an amendment to the Kentucky Constitution that automatically restores the right to vote to a convicted felon who has completed their sentence, including probation and parole?"*

The survey sample was 900 Kentucky residents with a margin of error of 3.3% (Kentucky Survey, 2006). The study found that 56% of the respondents acknowledged that they would vote for an amendment to the Kentucky Constitution that would allow for the automatic restoration of voting rights to individuals who are no longer under correctional supervision (Kentucky Survey, 2006).

In addition to the abovementioned research, other data reflects an unfortunate trend of voter dilution as a result of felon voting prohibitions. The League of Women Voters' October 2006 study reported an assessment of such dilution in the Commonwealth of Kentucky. First, they found that one of seventeen Kentuckians is disenfranchised due to a felony conviction (League of Women Voters, 2006). Second, Kentucky has the sixth highest disenfranchisement rate in the country (League of Women Voters, 2006). Third, 90% of disenfranchised Kentuckians are not imprisoned (League of Women Voters, 2006). Fourth, two-thirds of the KY disenfranchised has completed their sentences (League of Women Voters, 2006). Finally, one in four African-Americans in Kentucky is disenfranchised due to felony convictions (League of Women Voters, 2006). This final statistic is triple the national rate for African-American felony disenfranchisement (League of Women Voters, 2006).

Though there has not been any attempt to inference this new Kentucky data, research conducted in Atlanta, Georgia provides an example of how this dilution seems threatening to the democratic notion. In *The Vanishing Black Electorate*, King and Mauer (2004) examined the state and local level impact of these laws, specifically focusing on

areas with high levels of disenfranchised persons. Their findings illustrate the need for providing a voice for the voiceless. In the state of Georgia, one in eight black males is disenfranchised. For the city of Atlanta, one in seven black males cannot vote as a result of a felony conviction. This dilution is most prominent in zip codes that have high concentrations of convicted felons.

The King and Mauer report asserts that the dramatic increase in the U.S. correctional population, from 1.8 million in 1980 to 6.9 million in 2003 (King & Mauer, 2004), has had a significant collateral impact on the political engagement of African-Americans. This increase, largely a result of “get tough on crime” policies, appears to have wider and arguably detrimental consequences for African-American men. Fellner and Mauer (1998) reported that 13% of African-American men in the U.S. are ineligible to vote due to felony convictions. The statistics become more alarming when considering the state level impact. For instance, in Alabama and Florida, thirty-one percent of African-American men cannot vote due to felony convictions (Fellner & Mauer, 1998).

Statistics like these are easily disregarded by those who argue that the disparate impact would not be felt had the offender not committed the crime. However, the counterargument is such: the origins of these laws did not account for the numerous amounts of felonies possible in modern times. Offenses or activities that are now felonies were not considered so when felon disenfranchisement laws were created. For example, it has only been in the last twenty years that drug felonies such as “intent” and “conspiracy to distribute a controlled substance” have appeared. Other “get tough on crime” reforms, such as three-strikes-and-you’re-out laws, make a third offense the eligible trigger for lifetime

incarceration, which also has not been the historic punishment for most crimes. The King and Mauer (2004) report provides an illustration of this impact – in Georgia - of the disenfranchised African-American males; one-third lost their voting rights due to a drug conviction.

More importantly, black males are not affected in a vacuum. The collateral impact is felt in the political power of others in those communities. Following this line of thinking, King and Mauer (2004) also looked at the effect disenfranchisement had on the diminished political strength and its “chilling effect on political engagement of certain neighborhoods” (p. 15). They reported that “given the concentration of felony disenfranchisement in primarily African-American communities, persons who have not been convicted of a felony are affected through the diminished strength of their political voice” (King & Mauer, 2004, p. 15).

*This disenfranchisement effect contributes to a vicious cycle within public policy development that further disadvantages low-income communities of color. The first means by which this occurs is through decisions on resource allocation. In citywide decisionmaking regarding spending for schools or social services, residents of certain neighborhoods will have considerably more political influence than others, solely because “one person, one vote” is distorted through the loss of voting rights (King & Mauer, 2004, p.15).*

The “chilling effect of political engagement” occurs when political candidates neglect to campaign in areas they identify as lacking influence in an election. King and Mauer (2004) note that political candidates focus on areas where they believe they have the potential for the most support. When a community’s voting power is compromised by felon voting laws, then campaigning in that area is unlikely. The electoral campaign is often the point at which the candidate is open to talk with constituents, this disregard is

disadvantageous for low income or minority populated communities because they are inhibited from communicating with potential lawmakers at the most influential time. King and Mauer (2004) assert:

*Felony disenfranchisement threatens to exacerbate this problem; as the correctional system grows and more persons are prohibited from voting, the seriousness with which policymakers listen to demands from communities of color is likely to continue to diminish (p.16).*

The King and Mauer report has serious implications for Kentucky. Though the geographical location of the research is different, arguably Kentucky's higher rate of disenfranchising African-Americans makes the "chilling effect of political engagement" even more likely.

#### Significance of the Study

In her 2003 research, Brown-Dean argues that "the cumulative impact of these statutes simultaneously dilutes the full development of African-American political equality and American democracy by reinforcing the politics of exclusion" (p. 15). This study examines felon disenfranchisement through the eyes of an unprecedented population – a majority African-American college student sample. These students vary in their state of residence, but live and learn as students in Kentucky, a state with one of the most stringent felon voting laws. This population is significant given the current and historic state of public opinion research in criminal justice. Perhaps due to attempts at generalizability, literature reveals public opinion research in criminal justice has largely neglected the opinion of minority populations. The literature reviewed below often cited the need to weight data, so it would be more generalizable to larger society as it relates to race. Even if



samples included a representative number of African-Americans, the actual number remained small making it more difficult to accept the African-American opinions as significant.

Table 1: Studies on Criminal Justice Students' Attitudes

<i>Author(s)</i>	<i>Nonwhite</i>	<i>White</i>
Hensley et al. (2002)	19.5(Black)	80.5
Hensley et al. (2003)	6.5(Black)	92.8
Farnworth et al. (1998)	29.3 (21.8 Hispanic; 7.5 Black)	68.7
Lane (1997)	50.3(Black)	49.6
Lambert & Clark (2004)	--	100

This deficiency is not new or exclusive to criminal justice public opinion, for the African-American point of view has long been on the margin of the field of criminal justice in general (Gabbidon, Taylor Greene, & Young, 2002). Though “black criminality” is often the subject of research, “black criminology” is still an underdeveloped and unrecognized field (Russell, 1992). Russell argued that “Inasmuch as the theoretical framework of the discipline is limited by its failure to develop this subfield, policy recommendations proposed and implemented by the criminal justice system are limited” (Gabbidon, et al., 2002, p. 281). Black public opinion on criminal justice issues is a vital component to black criminology and criminal justice research in general, as it seems important for those disproportionately affected by the criminal justice system to have a

stronger voice in the matter of crime policy. By focusing on students at a Historically Black College & University (HBCU), the study seeks to elicit attitudes from individuals who represent the values, characteristics, knowledge, and opinions of a seemingly inaudible population – African Americans.

### Dissertation Overview

This dissertation is presented in five parts. Chapter Two – Felon Voting & Public Policy – focuses on the historical and contemporary context of felon voting laws. Beginning with an analysis of pre- and post- Civil War criminal disenfranchisement laws this section explores the impact of the social and political factors that cultivated these laws in the 19<sup>th</sup> century North and South. Also included is an examination of federal and state legislation and litigation related to felon voting rights.

Chapter Three – Felon Voting & Public Opinion – explores the role of public opinion in criminal justice issues, then reports on the few available opinion studies directly related to felon voting. Public opinion plays a critical role in criminal justice decision making. This is evident through an examination of the punishment preference trends of US citizens coupled with a review of changes in crime policy in recent years.

Chapter Four – Methods – frames the manner in which the study will be completed. The sampling frame is identified as undergraduate students enrolled in courses offered in the Spring 2006 semester at Kentucky State University. This chapter also discusses the data collection procedures and the development of the questionnaire. In addition, a brief display of the descriptive statistics of the sample and the manner in which the data was prepared and transformed is given.

Chapter Five – Data Analysis – presents the survey results. It includes a discussion on the univariate properties of the study variables, as well as the bivariate relationships and multivariate analyses. The univariate analysis consists of frequency distributions that display the occurrence of a given response for each attribute of the variable. For the bivariate analysis, crosstabulations were used to observe if one of the independent variables is significantly associated with one of the dependent variables. A correlation matrix was also presented to justify further analysis of the association. The multivariate analysis includes linear and logistic regression models with the inclusion of interaction terms.

Chapter Six – summarizes the findings reported in Chapter Five and places them in the context of their policy implications and future recommendations. The limitations of the study are also reported.

## **CHAPTER 2**

### **Felon Voting and Public Policy**

The right to vote is undeniably a key element to democratic governance. Many have noted its significance as the guarantor of all other rights afforded in a democracy. Some have argued that unequal distribution of political engagement based on one's group classification insinuates disinterest in the individual and his or her concerns (Brown-Dean, 2003; Dawson, 1994; Reuter, 1995; Sidanius, 1992; Ture & Hamilton, 1992). As such, most disenfranchised populations have gained the right to vote. This chapter reviews the existing literature on criminal disenfranchisement in the U.S. by specifically placing the topic in the context of public policy. First, it will expose the manner in which enfranchisement has been distributed throughout U.S. history. Second, the legislative history, including federal and state law, is presented to explain why this remains an issue on the agenda of the varying levels and branches of government today. Finally, the legal history is examined and the rationales for upholding current felon voting restrictions are explained.

#### **Distribution of the Franchise**

Arguably, women were the first and largest group of Americans to be legally disenfranchised (Keyssar, 2000). As far back as 1807, women were thought to “lack the ‘independence’ necessary for participation in electoral politics” (Keyssar, 2000). This

‘independence’ was the theory that controlled the practice of disenfranchising individuals (and groups) who did not own land. Of course, theoretically, if a woman (most likely a widow) owned property, then practically she should be allowed to vote. However, this was not the case. Legislation like New Jersey’s (1807) suffrage law which read “no person shall vote in any state or county election for officers in the government of the United States, unless such person be a free white male citizen” (Keyssar, 2000, p.54) was the trend in the early 19<sup>th</sup> century. The fight for women’s suffrage lasted over 70 years, finally culminating into the 19<sup>th</sup> Amendment of the US Constitution, but only after the franchise was granted to black men, the property-less, and “aliens” (Keyssar, 2000).

Ironically, the women’s suffrage movement was still permeated with the racist undertones of American society. At the National American Women’s Suffrage Association convention in 1903, Belle Kearney of Mississippi stated “Anglo-Saxon women” were “the medium through which to retain the supremacy of the white race over the African” (Keyssar, 2000, p. 197). In order to retain support for their cause, some White woman suffragists, like the notable Elizabeth Cady Stanton, began to advocate on behalf of “educated suffrage”, which in practice meant requiring an “intelligence test” that would eliminate the “ignorant foreign vote” (Keyssar, 2000, p.199).

Techniques of disenfranchisement, like the proposed intelligence test, resulted in the direct disenfranchisement of minorities (including African Americans, Native Americans and immigrants) and the poor for decades. The intelligence test evolved into the literacy test, which required voters to have the capacity to read.

Though the abovementioned methods illustrate the American tendency to discriminate in distributing the franchise, the disenfranchisement of felons and ex-felons lacks the attempted rationality of the other techniques. “There has never been a particularly persuasive or coherent rationale for disenfranchising felons and ex-felons” (Keyssar, 2000, p. 162). Early felony disenfranchisement laws were specific to “infamous crimes,” which described crimes that would have resulted in the inability to testify in court during common law times (Keyssar, 2000). Southern states strategically crafted their laws to include minor violations that would serve to facilitate disenfranchising African-Americans. In the other parts of the country, the laws were not so strategic. In fact, they “lacked socially distinct targets and generally were passed in a matter-of-fact fashion” (Keyssar, 2000, p. 162). The early laws varied by state, which is still reflected in current state criminal disenfranchisement laws. Though electoral fraud was included in every state’s criminal disenfranchisement law, who was excluded, the length of exclusion, and the restoration process were diversely reflected in the individual state laws (Keyssar, 2000).

Of the abovementioned groups, convicted felons remain the only directly disenfranchised population across the nation upheld by constitutional law (Johnson-Parris, 2003). The history of the felon’s severance from the democratic process dates beyond the conception of American society (Special Project, 1970; Thompson, 2002); however, the modern day interpretation and applicability of felon disenfranchisement laws is rooted in the post-Civil War America when the American electorate drastically changed due to the passage of the Reconstruction Amendments (13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>). After the ratification of the 13<sup>th</sup> Amendment, once only worth “three-fifths of all other persons,” freed slaves

became “five-fifths” of all other persons, as it relates to representation in Congress, which shifted apportionment and voting in many southern states (Chin, 2004). However, due to their restricted freedom, freed slaves could not hold public office or vote for those who would represent them (Chin, 2004; *Oregon v. Mitchell*, 1970).

Largely due to their inclusion of the “negro” as persons, the southern population boomed and southern states were able to secure national power (Chin, 2004). Subsequently, the 15<sup>th</sup> Amendment was passed, which guaranteed suffrage independent of race. In an effort to preserve political power, it was critical for the African-American vote to be suppressed, while the southern states retained the right to count them for apportionment (Chin, 2004). To accomplish this, twenty years after the 15<sup>th</sup> Amendment, creative felon disenfranchisement laws were written into many state constitutions (Simson, 2002). Though the laws had existed in many states since their inception, the re-emergence and re-wording of felon disenfranchisement laws in the 1890s cannot be attributed to irony. Public records for the constitutional conventions of Virginia (1901-02), South Carolina (1895), Mississippi (1890), and Alabama (1901) document that the purpose of the 19<sup>th</sup> century felon disenfranchisement laws in those states was to suppress the black vote (Kousser, 1984; Rose, 1906; Shapiro, 1993).

Over 100 years later, remnants of these antiquated laws still exist. The Supreme Court has upheld states’ rights to criminal disenfranchisement (*Richardson v. Ramirez*, 1974) and interpreted its relation to the 14<sup>th</sup> Amendment’s protection from discriminatory intent (*Hunter v. Underwood*, 1985). An estimated four million Americans are currently

disenfranchised by the laws of 48 states and the District of Columbia (Coyle, 2003; Manza, Brooks & Uggen, 2004; Uggen & Manza, 2002).

An examination of the legislative issues and changes related to felon voting laws places the issue in a public policy context. Convicted felons, especially incarcerated felons, do not have the capacity or support from policy makers to organize at the same level of previously disenfranchised populations like women or younger constituents who rallied to change the voting age (Simson, 2002). However, there has been some attempts at the federal level and success at the state level to ease or automatically restore the voting rights of certain convicted felons (Mauer & Karsal, 2005; Price, 2002; Simson, 2002). The following section examines the legislative and litigious attempts and successes at changing felon disenfranchisement laws.

### Felon Voting Legislation

#### *Federal Legislation*

The Civic Participation and Rehabilitation Act of 1999 is arguably the most widely publicized piece of proposed federal legislation related to felon voting rights. Introduced by Representative John Conyers (D-MI) the act centered on the rehabilitation of offenders and the importance of their inclusion in the political process. The act proposed to enfranchise nonincarcerated felons for federal elections and would have allowed the Attorney General to issue declaratory or injunctive relief against noncompliant states (Allard & Mauer, 2000; Price, 2002). Additionally, it would have authorized individuals affected by noncompliance to report the violation to the top election official for the state (Allard & Mauer, 2000; Price, 2002). Opposition raised claims that enfranchising felons



for federal elections would create undue complications for states that are ultimately responsible for voter registration (Price, 2002). The bill, considered the most successful out of any federal legislative attempt, garnered support from 37 co-sponsors and was referred to both the House Judiciary Committee and the Subcommittee on the Constitution. The Civic Participation and Rehabilitation Act was been reintroduced in both 2003 and 2005. It has failed to pass in every session.

At the congressional level, there have been other attempts toward the reenfranchisement of convicted felons. In 2001, several bills were presented that directly related to felon-voting laws (Simson, 2002). All four were created for the purpose of enfranchising ex-felons. First, the Constitutional Protection of the Right to Vote Act was introduced by Mr. Davis of Illinois and referred to the Committee on the Judiciary (HR 1228). The act proposed to mandate for every correctional facility or institution to develop and provide a notification scheme to guarantee individuals released would be knowledgeable of their right to vote (HR 1228). It also provides for enforcement of the constitutionally protected right to vote in federal and state elections for individuals released from the department of corrections (HR 1228).

The second bill, Voter Registration Protection Act of 2000, propositioned Congress to pass a law that forbids states from disallowing any convicted felon from exercising their voting rights in a federal election (HR 1558). Introduced by Representative Hilliard, it excluded currently incarcerated or supervised individuals from the voting rights protections outlined in the bill (HR 1558).

Representative Maxine Waters introduced the third related bill -the Voting Restoration Act. It provided for the restoration of “the eligibility to vote and register to vote in federal elections to individuals who have completed sentences for criminal offenses, and for other purposes” (HR 2830, p. 1). The basis of bill lies in the ability of Congress to have supervisory power over federal elections (HR 2830). For violations of this law, the bill calls for compensatory damages and grants the aggrieved the ability to file a civil suit for injunctive or declaratory relief (HR 2830). One of the more striking features of HR 2830 is the creation of a grant program to support state efforts in protecting the voting rights of ex-felons (HR 2830). Grantees would be required to develop programs to disseminate information regarding the voting rights of convicted felons. Under this program, the state must compile an “index” of individuals in custody, under supervision by the state, or who were released within the preceding 10 years (HR 2830). The grantee program must also include information on the impact plea bargaining and felony conviction can have on the right to vote; create notification activities, such as media advertisements, Internet, mailing, and “cooperative agreements with public or private entities providing services or otherwise having contact with convicted felons” (pgs. 9-10); and implement a program “to increase voter registration rates among individuals convicted of felonies” (p.10).

The final 2001 attempt utilized a different avenue than the previous bills. Representative Jesse Jackson, Jr. introduced a joint resolution to amend the US Constitution to explicitly provide a true right to vote for “all citizens of the United States, who are eighteen years of age or older” (HJ Res 72, p. 2). There is no specific mention of

granting convicted felons voting rights, but the implication is there if all citizens over 18 have a guaranteed right to vote. The bill; however, had no co-sponsors and was not really entertained by the Judiciary Committee (Simson, 2002).

Representative Charles Rangel introduced in 2004, and again in 2005, the Ex-offenders elections (HR 663). Similar to previous attempts, he cited Congress' authority over federal elections. The purpose of the bill was to reinstate "fairness" in the federal election process. The bill was referred to the Committee on the Judiciary.

The abovementioned federal legislative attempts illustrate a public desire, at least for some constituents, to restore voting rights for convicted felons. It appears that further analysis of constituent opinions may help to solidify if a change is necessary and the appropriate way for politicians to address this issue.

#### *State Policy Changes*

As a collateral "civil" consequence to criminal conviction that is legally deemed as non-penal, felon voting prohibitions have historically been used by states as an exclusionary tool for certain otherwise eligible voting populations. What further complicates the issue is its persistent status as a states' rights issue in light of the fact that it potentially has a much broader, national, perhaps global impact. Arguably, the U.S. maintains its classification as a federal nation characterized by having both a national and subnational governments (Dye, 1998). In addition, these levels of governments "exercise separate and autonomous authority, both elect their own officials, and both tax their own citizens for the provision of public services" (Dye, 1998, p. 284).

Voting qualifications are the domain of the individual states, so the enfranchisement, disenfranchisement, and reenfranchisement of felony offenders are governed by the state in which they live. Referred to by the US Department of Justice as the “the national crazy quilt of disqualifications and election procedures,” the many different felon voting laws and the entities that govern them make it a difficult issue to analyze (Ewald, 2005). Precisely due to the subnational governments, there is no single issue instead there are fifty.

At the state level, there have been several policy reforms concerning felon-voting rights. These policy changes come in a variety of forms, such as legislation, executive order or by the creation and subsequent recommendations from appointed task forces. Since 1996, sixteen states have reformed their felon voting provisions through legislation, executive decision or constitutional amendment (The Sentencing Project, 2005). Eleven states have made their policies less restrictive (The Sentencing Project, 2005). Four states have expanded or enacted a disenfranchisement policy (The Sentencing Project, 2005). Two states have simplified their restoration processes (The Sentencing Project, 2005). Table 2 shows how felon voting restrictions differ by state.

Table 2: Felon Voting Restrictions by State

State	Prison	Probation	Parole	Ex-Felons – ALL	Ex-Felons – PARTIAL
Alabama	X	X	X		X (certain offenses)
Alaska	X	X	X		
Arkansas	X	X	X		X (2 <sup>nd</sup> felony)
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (5 years)
District of Columbia	X				
Florida	X	X	X	X	
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa*	X	X	X		
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		X (2 <sup>nd</sup> felony, 3 years)
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X		X (certain offenses)
Missouri	X	X	X		
Montana	X	X	X		
Nebraska	X	X	X		X (2 years)
Nevada	X	X	X		X (except first time felons)
New Hampshire	X				
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X	X	X		
South Carolina	X	X	X		
South Dakota	X				
Tennessee	X	X	X		X (Post 1981)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington	X	X	X		
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (5 years)
U.S. Total	49	31	36	3	9

Source: The Sentencing Project (November 2005).

At the beginning of 2005, five states permanently banned all convicted felons from participating in an election – Florida, Iowa, Kentucky, Nebraska, and Virginia (The

Sentencing Project, 2005; Mauer & Kansal, 2005). The permanent ban is the most restrictive because it requires a pardon from the governor or from a pardon or clemency board. That list has been reduced to three states –Florida, Kentucky, and Virginia – since the legislature of Nevada replaced its permanent ban with a two year waiting period preceding automatic restoration and the governor of Iowa signed an executive order restoring the voting rights of all felons who have completed their sentence (The Sentencing Project, 2005). A synopsis of the current laws and processes of those three remaining states is outlined below.

### *Florida*

Any person convicted of a felony is permanently prohibited from voting in Florida. In 1999, the governor appended the felony list to include an additional 200 offenses (Mauer & Kansal, 2005). To regain their voting rights, the felon must petition for a pardon or restoration of civil rights from the Board of Executive Clemency and possibly have a clemency hearing (Mauer & Kansal, 2005). Florida mandates the Department of Corrections to aid all released offenders in completing a restoration application (Mauer & Kansal, 2005). Restoration eligibility hinges on completion of “all sentences and conditions of supervision...no outstanding detainers or warrants and no pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction; and must have paid all victim restitution” (Mauer & Kansal, 2005, p. 10). In 2001, the Office of Executive Clemency condensed the restoration of civil rights form and removed the amount of accompanying paperwork and required notification of presiding judges and prosecutors (Price, 2002). In December 2004,

Governor Bush restructured the clemency process to allow offenders to bypass the possibility of a clemency hearing (Mauer & Kinsal, 2005). In April 2007, Governor Crist issued a new clemency rule that allows certain Florida felons to regain their civil rights without a clemency board hearing or vote (Staff Report, 2007).

### *Virginia*

Another state whose constitution authorizes the disenfranchisement of convicted felons, Virginia requires an executive pardon and offers two means to receive it – petition for right to vote or full restoration of civil rights (Mauer & Kinsal, 2005). Though these two avenues exist, the decision ultimately lies with the governor (Mauer & Kinsal, 2005). Petitioning for voting rights is only available to nonviolent offenders, whereas the longer process of restoring civil rights is open to all offenders under certain stipulations (Mauer & Kinsal, 2005). Virginia's restoration process has undergone a variety of changes with fluctuations occurring particularly as the state's leadership changes. The constitutional authority of the governor in the restoration process allows for each new governor to modify the process to suit his/her needs or beliefs. In Governor Mark Warner's first year in office, he simplified the process for nonviolent offenders. The new process eliminated the following requirements: three reference letters, a letter from probation or parole; and proof of paid out restitution (Kalogaros, 2003). In addition, Governor Warner reduced the waiting period for petitioning from seven to three years for nonviolent felons (Kalogaros, 2003; Mauer & Kinsal, 2005). Violent felons, drug distribution offenders and those convicted of election offenses continue to fall under the former restoration process (Kalogaros, 2003; Mauer & Kinsal, 2005).

Other changes include two laws proposed in 2003 – HB 2020 and SJR 283. HB 2020 was passed on February 23, 2004 and expanded violent crime offenses to include burglary, pandering and obstruction of justice among other offenses (Kalogaros, 2003; Mauer & Karsal, 2005). SJR 283 was a proposal for a constitutional amendment that would allow the General Assembly to present and pass felon voting rights legislation applicable to nonviolent felons (Kalogaros, 2003; Mauer & Karsal, 2005).

### *Kentucky*

Out of the three remaining states that permanently disenfranchise felons, Kentucky appears to be the most legally restrictive. Unlike other states, there is no policy specifying treatment based on the seriousness of the crime committed. In other words, there is no simplified path for nonviolent offenders. Every felony offender, regardless of correctional status, and every individual incarcerated (including pretrial detainees who have not requested an absentee ballot and incarcerated misdemeanants) during an election is prohibited from voting in the Commonwealth of Kentucky. However, similar to other states, public policy in Kentucky has had a combination of extension- and restriction-related activities pertaining to felon voting rights.

In 2001, the Kentucky General Assembly passed HB 281, which served to ease the restoration process by mandating Kentucky Department of Corrections officials to assist inmates in filling out the required paperwork (The Legislative Update, 2001). Sponsored by Representative Jesse Crenshaw, “HB 281 requires the Department of Corrections to promulgate administrative regulations to simplify the process for restoration of civil rights for eligible felony offenders who have served out their sentence or been discharged by the



Parole Board” (The Legislative Update, 2001). The bill was prompted by *Regaining the Vote: An Assessment of Activity Relating to Felon Disenfranchisement Laws*, a 1998 report published by the Human Rights Watch and the Sentencing Project, coupled with recommendations from the Corrections Committee of the Kentucky Criminal Justice Council (KCJC) who studied issues and raised several concerns about Kentucky’s civil rights restoration process (The Legislative Update, 2001). HB 281 became part of the Kentucky Revised Statutes - KRS 196 § 2 - after then Governor Paul Patton signed the bill into law in March 2001 (The Legislative Update, 2001). As a result, the state Probation and Parole website now has a link to the restoration of rights application.

In 2004, Senator Gerald Neal proposed SB 239, which would have amended Sections 145 and 150 of the Kentucky Constitution (Democracy Resource Center, 2004). If passed Section 145 would allow for “automatic restoration of civil rights upon completion of a sentence” and Section 150 would afford “automatic restoration of ability to serve in public office upon completion of a sentence” (SB 239). This bill died in Committee (Democracy Resource Center, 2004).

Felon voting rights has remained on the legislative agenda in Kentucky. A new bill, The Restoration of Voting Rights Act, was introduced to the House during the 2006 legislative session. This law would permit Kentucky residents to vote on a constitutional amendment to mandate automatic voting restoration upon completion of their sentence. Though it did not pass during that session, it was reintroduced in the 2007 session, where it passed through the House but died in a Senate Subcommittee.

In addition to the three pieces of proposed legislation, executive changes have been implemented. Governor Fletcher's 2004 restoration process requires additional information that was not part of previous executive restoration processes (Black, 2004).

The literature above reveals a "hodge-podge" of state legislative changes. The mixture has still left three states that permanently disenfranchise convicted felons among a quilt of lesser restrictions. Though the national trend appears to lean towards enfranchising felons, Kentucky and its permanently disenfranchising counterparts continue to maintain their historic practice. In all three states the citizenry will need to express a desire to change the felon voting law. Based on the successes found in other states, public education campaigns and public opinion polls will need to be implemented in order to assess the desires of the citizenry.

### Felon Voting Litigation

Legislation is only one avenue used to address concerns for felon voting rights. As stated above, in some instances this is the appropriate method to invoke change when it is deemed necessary. This section explores the role that litigation has played in the felon voting debate in this country. Two main arguments are evident in the literature regarding felon voting from a legal standpoint – discrimination and punishment.

#### *The Discrimination Argument*

The Fourteenth Amendment's Equal Protection Clause requires that "no state shall...deny to any person within its jurisdiction the equal protection of the laws" (US Const XIV). Since the penning of the 14<sup>th</sup> Amendment, the US Supreme Court has

developed three levels of scrutiny to determine equal protection violations: rational basis, heightened scrutiny, and strict scrutiny. Rational basis, the lowest level of review, requires the law to have a rational association to a legitimate governmental purpose (Price, 2002). The middle level, heightened scrutiny requires a “fair and substantial” relationship between the means and legitimate governmental interest (Samaha, 2003). Heightened scrutiny is usually reserved for gender classifications. The final standard, strict scrutiny is usually applied to racial classifications and provides that the government must show that the law is essential to furthering a “compelling governmental interest” (Samaha, 2003; Price, 2002). However, the U.S. Supreme Court has declared voting as a fundamental right making any restrictions on that right subject to a strict scrutiny analysis under the Equal Protection Clause (Chin, 2004).

The Equal Protection Clause has been the basis of several US Supreme Court decisions related to felon voting rights. In *Green v. Board of Elections* (1967), in addition to other claims, the plaintiffs argued that New York Constitution’s felon voting provision violated the Equal Protection Clause. The Court found that felon disenfranchisement was a discriminatory restriction permitted by Section 2 of the Fourteenth Amendment (Johnson-Parris, 2003). Seven years later, this argument was clarified in the 1974 Supreme Court case *Richardson v. Ramirez* (Behrens, 2004; Johnson-Parris, 2003; Price, 2002). The case involved California ex-felons who challenged the state’s criminal voting prohibition on the grounds that it violated their constitutional right to equal protection of the laws (Behrens, 2004; Johnson-Parris, 2003; Price, 2002). More specifically, they claimed that blocking ex-felons who have served their time from voting was discriminatory and inhibited them from

fully reintegrating into society (Johnson-Parris, 2003). The Court relied on the “affirmative sanction” found in Section 2 of the Fourteenth Amendment and held that it minimized any equal protection from Section 1. Section 2 of the Fourteenth Amendment reads:

*When the right to vote at any election...is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, **except for participation in rebellion, or other crime**, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State (US Const. Amend, XIV, 2).*

As the basis for the court’s decision, the “affirmative sanction” found in the “other crime” exception was interpreted as the constitutional authorization to disenfranchise convicted felons (Behrens, 2004). Opponents of felon voting bans argue that the Ramirez decision was based on an incorrect interpretation of Section 2. To justify this argument one must examine the purpose of the “other crime” exception, which was to provide a penalty for states who excluded any male citizens over the age of twenty-one from the vote (Chin, 2004). The penalty was a decrease in that state’s representation in Congress (Chin, 2004). Historians have argued and politicians have admitted that the race-neutral language of Section 2 was purposeful and utilized at the time because it was “politically inadvisable to go to the country...on a platform having anything to do with Negro suffrage” (Bickel, 1955; Chin, 2004, p. 267). Additionally, some legal scholars have argued that the Fifteenth Amendment implicitly repealed Section 2 of the Fourteenth Amendment. As put by Chin (2004), “Section 2 reduced the basis of representation for racial disenfranchisement, and the Fifteenth Amendment prohibited racial disenfranchisement” (p. 272). If this were an accepted argument, then the Ramirez Court’s interpretation of the “affirmative sanction”

would be legally flawed and would force a decision based on strict scrutiny under the Fourteenth Amendment.

Many voting restrictions have failed to survive strict scrutiny. The homeless (*Collier v. Menzel*, 1985), mentally incompetent persons (*Doe v. Rowe*, 2001), pretrial detainees (*Murphree v. Winter*, 1984) and individuals receiving governmental assistance (*US v. Andrews*, 1972), have all had statutory voting prohibitions, only to be granted their rights through case law based on equal protection (Chin, 2002). In fact, prior to the *Ramirez* decision Section 1 was successfully used in several lower level courts to invalidate felon voting prohibitions (Chin, 2002). For example, in *Stephens v. Yeomans* (1970) the US District Court for the District of New Jersey found New Jersey's felon voting prohibition to be in violation of the Fourteenth Amendment's Equal Protection Clause. They held that the "irrational and inconsistent" classifications were unconstitutional because they did not possess "exacting standards of precision required by the equal protection clause" when applied to voting restrictions (*Stephens v. Yeomans*, 1970, p. 1188; Thompson, 2002).

There has been successful use of the equal protection argument as it related to felon voting restrictions and race. In the 1985 case, *Hunter v. Underwood*, the US Supreme Court invalidated an Alabama felon disenfranchisement provision based on the original intent of the law. It is recorded that the purpose of the Alabama law was to "establish white supremacy...within the limits imposed by the Federal Constitution" (Hench, 1998). The two-prong test created by Hunter determines whether a felon voting law violates equal protection-intent and impact. According to this test, if a plaintiff can demonstrate that the

law was both penned with racial discriminatory intent and resulted in a racially discriminatory impact it becomes increasingly possible to be successful in litigating a felon voting rights case (Price, 2002). The *Hunter v. Underwood* decision opened the door to assault felon voting bans; however, it is most likely limited to southern states that continue to have records and /or laws that show discriminatory intent. After *Hunter v. Underwood* struck down the part of the Alabama statute specifying crimes of “moral turpitude,” the Alabama legislature changed the state law to include “certain enumerated offenses and all crimes punishable by imprisonment” (Dugree-Pearson, 2002, p. 393).

Since the Equal Protection Clause appears to have limited utility in the litigation of felon voting cases, the Voting Rights Act of 1965 has increasingly become a popular mechanism by which to make claims, or at least arguments, against felony disenfranchisement. After the passage of the Fifteenth Amendment many states instituted voting requirements designed to exclude minorities from voting eligibility (Dugree-Pearson, 2002; Hench, 1998; Simson, 2002). The Voting Rights Act of 1965 was passed to circumvent strategies that were created to dilute or deny the minority vote. The act was particularly focused on southern states that purposefully eluded the Fifteenth Amendment through the use of literacy tests (Dugree-Pearson, 2002). The Voting Rights Act served to bolster the Fifteenth Amendment by barring any “voting qualification...which results in denial...of the right...to vote on account of race or color” (Hench, 1998).

Section 2 of the act focuses on the racial aspect of voter dilution. It prohibits the use of any “voting qualification or prerequisite to voting, or standard, practice, or procedure...by any state or political subdivision in a manner which results in a denial or

abridgement of the right of a citizen of the United States to vote on account of race or color” (Hench, 1998, p. 744, 746). The *City of Mobile v. Bolden* (1980) was one of the most influential cases to provide an interpretation of the Voting Rights Act. In *Bolden*, the US Supreme Court enhanced the requirements necessary to prove discrimination based on of the Voting Rights Act (Simson, 2002). While the act explicitly requires a plaintiff to prove a discriminatory impact or result, the *Bolden* court ruled that they must also show discriminatory intent (Simson, 2002). This interpretation of the Voting Rights Act was troubling since the act was expressly created to make it easier for a plaintiff to prove discrimination. Two years after *Bolden*, Congress passed the “1982 Amendment,” which restored the results-test intended by the original Voting Rights Act of 1965 (Simson, 2002). The 1982 Amendment defines illegal vote dilution as:

*If, based on the totality of circumstances, it is shown that the political processes leading to the nomination or election in the state or political subdivision are not equally open to participation by members of a class of citizens protected by [the Act] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice* (Simson, 2002, p. 60).

As a result of the 1982 amendment, the totality of the circumstances must be considered in Voting Rights Act litigation. The first felon voting rights case after the passage of the 1982 Amendment, *Wesley v. Collins* (1986), concerned a Tennessee ex-felon who challenged the Tennessee Voting Rights Act by claiming it diluted the voting power of the non-criminal, minority community (Hench, 1998). The Sixth Circuit rejected the argument and held that although the “totality of circumstances” supported a claim of discrimination the “facts could not be tied to historical tradition and rationale for the disenfranchisement of felons”

(Simson, 2002, p. 61). Therefore, in light of the *Ramirez* decision, the Tennessee law was deemed to serve a legitimate and compelling purpose and thus upheld through the dismissal of the case (Price, 2002).

Since *Wesley*, there have been a number of felon voting rights cases that demonstrate the continued confusion the judiciary has in finding a consistent interpretation of the Voting Rights Act. In *Baker v. Pataki* (1996), the Second Circuit considered the argument that the New York State felon voting statute disparately affected African-Americans and Latinos in violation of the Voting Rights Act (Behrens, 2004). The court was split evenly and the case subsequently ended in dismissal (Price, 2002). In *Muntaqim v. Coombe* (2004), the Second Circuit revisited the application of the Voting Rights Act to the New York State felon voting law. This time they found that the Voting Rights Act is “silent on the topic of felon disenfranchisement” and could not be applied to such laws (Behrens, 2004; *Muntaqim v. Coombe*, 2004). The decision was justified by the court’s reluctance to “alter the constitutional balance between the states and the federal government” (*Muntaqim v. Coombe*, 2004, p.108). The Second Circuit noted in *Muntaqim*, that "considering the prevalence of felon disenfranchisement [provisions] in every region of the country since the Founding, it seems unfathomable that Congress would silently amend the Voting Rights Act in a way that would affect them" (366 F.3d at 123-24).

In *Farrakhan v. Washington* (2003), the Ninth Circuit recognized the need for courts to consider the “social and historical conditions” related to felon voting prohibitions (Behrens, 2004) and found that Section 2 of the Voting Rights Act was applicable to the Washington felon voting law (*Johnson v. Bush*, 2005). In 2005, the Eleventh Circuit



reviewed the most comprehensive felon voting rights case to date – *Johnson et al v. Governor of Florida et al.* This case was a class action suit brought on behalf of eight disenfranchised ex-felons speaking for the 613,000 ex-felons disenfranchised in Florida (Simson, 2002). The original suit consisted of six claims, which attempted to cover and avoid the downfalls of all previous felon disenfranchisement cases:

- 14<sup>th</sup> Amendment Equal Protection – Racial Discrimination
- Voting Rights Act of 1965, Section 2
- 14<sup>th</sup> Amendment – Substantive Due Process
- 1<sup>st</sup> and 14<sup>th</sup> Amendments - Right to Vote
- 14<sup>th</sup> and 24<sup>th</sup> Amendments – Prohibition of Poll Tax
- Voting Rights Act of 1965, Section 10 – Prohibition of Poll Tax (Simson, 2002).

The District Court granted summary judgment to the defendants on the six claims (Johnson v. Bush, 2005). Subsequent review by an Eleventh Circuit divided panel reversed and remanded the case on the racial discrimination claims based on the 14th Amendment and Section 2 of the Voting Rights Act (Johnson v. Bush, 2005). Ultimately, the Eleventh Circuit vacated the panel decision and granted a hearing en banc.

The new case used the rationale offered in *Cotton v. Fordice* (1988) where a challenge to Mississippi's felon voting provision was unsuccessful because the court found "a subsequent legislative re-enactment can eliminate the taint from a law that was originally enacted with discriminatory intent" (157 F. 3d 388, 5th Cir. 1988; Johnson v. Bush, 2005). In Johnson, the court held that though the original 1868 felon voting provision may have

had a discriminatory intent, the 1968 re-enactment had no racial motive (Johnson v. Bush, 2005).

The Eleventh Circuit also affirmed the lower court's decision on the Voting Rights Act claim (Johnson v. Bush, 2005). The Court was reluctant to "create a constitutional question" out of a legislative statute (Johnson v. Bush, 2005, p. 1229). As such, the plaintiffs' assertion that the scope of the Voting Rights Act reaches state felon voting provisions brings up constitutionality issues that the courts have been instructed to avoid.

Based on the case law outlined above, the discrimination argument has not been very successful. Lower courts are divided on the application of the Voting Rights Act to state felon-voting provisions and inconsistently apply the Fourteenth Amendment. As such, an alternative - the punishment argument - has been used as the legal basis of several court cases

### *The Punishment Argument*

In 19<sup>th</sup> century England, bills of attainder revoked the property rights of those charged with certain crimes (Johnson-Parris, 2003). This disability effectually amounted to civil death in that without property an individual was disabled from participating in political society (Fellner & Mauer, 1998; Johnson-Parris, 2003). In early America, this form of civil death was explicitly outlawed by Article I, Section 10 of the US Constitution, which reads: "no state shall pass any bills of attainder..." Felon voting restrictions would seem to violate this prohibited civil death; however, the US Supreme Court has made it clear that the "bills of attainder" clause refers to using disenfranchisement as a punishment (*Green v. Board of Elections*, 1967). In *Green v. Board of Elections* (1967), the bills of

attainder clause was used to argue against the disenfranchisement of felons. *Green*, a convicted felon, disputed the New York State Constitution's felon voting prohibition on the grounds that it was a violation of Article I, Section 10 of the US Constitution (Johnson-Parris, 2003). The Court held the clause constitutionally permissible because it provided a "non-penal exercise of power to regulate the franchise" (Johnson-Parris, 2003, p. 116).

The *Green* court's distinction of felon voting restrictions as "non-penal" complicates legal arguments against the practice. For if collaterally losing a fundamental citizenship right is not punitive, it then becomes difficult to argue that public opinion supporting reform should directly impact public policy. An easier argument would be based on modern day cruel and unusual punishment determinations outlined by the US Supreme Court's *Trop v. Dulles* (1958) decision. In *Trop*, the Court held that if a punitive purpose is apparent in the formulation of a law, then it is penal; however, when there is no obvious punitive purpose, the law should be deemed regulatory. As such, regulations are not subject to the same 8<sup>th</sup> Amendment scrutiny as punitive laws.

Furthermore, to appropriately address whether or not a punishment was violative of the 8<sup>th</sup> Amendment, the *Trop* Court created the "evolving standards of decency" measure. Since *Trop*, the U.S. Supreme Court has relied on "evolving standards of decency" to make numerous determinations of the temperature of society for certain punishment-related issues. The *Green* Court, though finding felon voting restrictions to be regulatory, hypothesized a decision made from a cruel and unusual punishment argument. They found that the standards of decency in 1967 would not support a decision to strike down felon voting restrictions.

*The Green court's conclusion that 1967 America was not offended by the disenfranchisement of felons was a correct interpretation and application of Trop. The fact that 42 states disenfranchised those convicted of a crime in 1967 was overwhelming evidence that society did not consider felony disenfranchisement offensive. Rather, national opinion clearly endorsed such disenfranchisement (Thompson, 2002, p. 202).*

This standard was recently revisited and defined in *Roper v. Simmons* (2005) as “objective evidence of a national consensus as expressed by legislative enactments or jury practices” (Death Penalty Information Center [DPIC]). These standards are assessed through a variety of mechanisms. In *Roper*, in addition to a national consensus rational, the majority used international confirmation to determine whether or not a particular punishment violated “evolving standards of decency” (*Roper v. Simmons*, 2005; DPIC).

Due to their original intent, collateral consequences are still held to be civil in nature, but increasing evidence shows that over time their results have become punitive. In contrast to *Green*, the US Supreme Court has noted the punitive nature, not intent, of felon disenfranchisement laws. In *Richardson v. Ramirez* (1974), the Court found felon disenfranchisement laws to be “deeply rooted in this Nation's history and are a punitive device stemming from criminal law” (*Richardson v. Ramirez*, 1974; *Johnson v. Bush*, 2005, p. 36). The current research is based on a similar hypothesized premise to the *Green* court argument – if felony disenfranchisement was legally considered a punishment in 2006, would evolving standards of decency support its continued use?

In conclusion, throughout legal history, the Court has found that national consensus changes over time on a variety of constitutional issues, such as equal protection (*Plessy v. Ferguson*, 1896; *Brown v. Board of Education*, 1954) or privacy (*Bowers v. Hardwick*,

1986; *Lawrence v. Texas*, 2003). It is apparent through recent changes to state felon voting provisions that the national consensus has come to support enfranchising certain felons. Legislative changes outlined above coupled with public opinion described below would lead us to believe that felon voting prohibitions may no longer be acceptable in our society.

## **CHAPTER 3**

### **Felon Voting and Public Policy**

Whether or not the public still support felon voting prohibitions remains an unanswered question. A database search for literature on felon disenfranchisement yielded only three studies that have examined the opinions of the general public toward felon voting rights. The need for this type of research is evident by the many changes in state felon voting laws in recent years and research exposing the negative effects on certain communities. The missing piece is evidence of a shift in public opinion regarding felon voting rights. To better illustrate the importance of public opinion regarding felon voting rights, this chapter includes a review of the literature related to public opinion and criminal justice related issues; public opinions and punishment orientations, and public opinion on felony disenfranchisement. Additionally, the chapter includes a review of literature on political socialization theory, then identifies and applies political socialization as the framework for informing the research questions and hypotheses for the study. Finally, the chapter concludes with the presentation of research questions and accompanying hypotheses.

#### **The Role of Public Opinion in a Democracy**

Public opinion research has become increasingly important as one of the mechanisms by which citizens can communicate with policymakers. Democratic theory

assumes that “opinions of the public are to be translated into action” (Bardes & Oldendick, 2003, p.3). In other words, in a representative democracy, theoretically, elected officials represent the ideals of their constituents and public opinion serves as a communication outlet for the citizens to voice their ideas to elected officials. It is then the responsibility of the elected official to transform those ideas into policy.

There are many definitions of public opinion. The basis of public opinion is democratic theory, which is premised on the fact that members of the voting population are “interested in public issues, aware of relevant facts, and capable of making decisions rationally” (Bardes & Oldendick, 2003, p. 3). However, a problem arises when there is no consensus on the exact definition of public opinion. There remains is a diverse body of meanings that seem to be applied depending on whom is analyzing the issue. For the purposes of this research, Daniel Yankelovich’s (1991) definition of public opinion as “the sum of all of the public’s opinions, attitudes and values” (p. 120) will be used.

To adequately study attitudes toward felony disenfranchisement it is critical to examine the role public opinion research plays in a democratic society. Stakeholders utilize public opinion research for a variety of reasons. Political candidates and/or their political party use polls early in their campaign as an assessment of what the public thinks. They may find that the level of support is so low that it does not warrant a campaign at all, which can result in the candidate pulling out of a race. Once in office, politicians employ public opinion polls in order to determine how the public feels about key issues (Bardes & Oldendick, 2003). Governmental agencies study public attitudes for “need assessments, evaluation of projects and programs, addressing specific policy

issues...” (Bardes & Oldendick, 2003,p. 35). The federal government focuses more on “demographic and behavioral” signs for determining the “American mind” (Bardes & Oldendick, 2003, p. 35), whereas the state and local governments are typically seeking information regarding the evaluation of the services in which they offer the public (Bardes & Oldendick, 2003).

In addition to the governmental actors and agencies that employ public opinion polls, other groups are involved in gauging attitudes of the American public as well. Interest groups often need supporting data when partaking in discussions with public officials. The information is usually used in an attempt to help sway either the public official’s stance or disseminated to the public in an effort to swing the views in the direction of the interest group. The media is another example of how public opinion research is used. In America, the media have had a relationship with public opinion for over 100 years which is evident in the fact that one of the current leading polling organizations – Gallup Polls – began as a mechanism to bolster media subscriptions (Bardes & Oldendick, 2003).

Academicians also utilize survey research to assess how the public feels or responds to various issues. The academic arena supports large scale survey research centers such as the Center for Political Studies at the University of Michigan, the National Opinion Research Center at the University of Chicago or the Survey and Evaluation Research Laboratory at Virginia Commonwealth University. A great deal of academic analysis derives from secondary analysis of previously collected data from university survey centers like those mentioned above.



This dissertation employs survey research to collect information on the views of students attending an HBCU in Kentucky with hopes of contributing to a virtually nonexistent literature base on public opinion towards felon voting rights. Due to the lack of previous research on the topic in general and especially in Kentucky, it is difficult to predict determinants of Kentucky student opinions on the matter. However, previous work on public opinion can also be useful in inferring how certain publics have responded to similar issues and will respond to specific issues.

#### Public Opinion on Related Criminal Justice Issues

Due to the infancy in advocacy related to felony disenfranchisement laws, there is a dearth of criminal justice research regarding attitudes toward the topic. However, attitudinal research on other crime-related policies is more common. It has been argued that the occasional collection and assessment of criminal justice issues is useful for several reasons (Hindelang, 1974). First, public opinion research provides a permanent documentation of the fluctuations in the public's attitude toward criminal justice issues (Hindelang, 1974; Flanagan, 1996). Second, the public sentiment serves the purpose of determining the "public's mood and priorities for criminal justice reform" (Flanagan, 1996; Hindelang, 1974). Other notable researchers have suggested that public attitudes can influence governmental actions in response to arising crime issues (Flanagan, 1993; Key, 1961). Though research has shown that the public's knowledge of criminal justice is deficient, this deficiency does not curb their "diverse, multi-dimensional, and complex" attitudes (Gerber & Engelhardt, 1996).

A review of relevant literature revealed that research in attitudes toward criminal courts, the death penalty and punishment may serve as a good starting point for developing hypotheses related to individual characteristics and public opinion toward felon voting laws. The section below presents a summary of the relevant literature on those issues.

### *Criminal Courts*

Overall, it appears that the public is satisfied with American criminal courts. Indications of dissatisfaction generally concern specific segments of the judicial system such as perceptions of leniency in punishment (Flanagan, McGarrell, & Brown, 1985; Hengstler, 1993). Research has attempted to explain views of criminal courts by exploring their relationship with social attitudes and demographics. Myers' (1996) review of the literature on this subject revealed three related categories of perception: equality and fairness, protection of society, and quality and performance.

To further explore these identified categories, Myers extracted data from the National Opinion Survey on Criminal Justice (NOSCJ) – one of the most comprehensive studies on public opinion and crime. The purpose of the NOSCJ was to “to query a nationally representative sample about attitudes toward crime and criminal justice” (Sims, 1996, p. 170). Residents of the U.S. were the population under study. In order to obtain an adequate, representative sample, the researchers randomly sampled all telephone numbers in the 50 states (Sims, 1996).

In NOSCJ, the first category - equality and fairness - was measured by views toward political influence of judicial decisions; treatment of the poor and minorities; and

disregard for defendant's rights. Fifty-seven percent of NOSCJ respondents felt that the power of politics in judicial decisions was problematic (Myers, 1996). Unlike previous research, race and income did not appear to impact attitudes towards the political aspects of courts (Myers, 1996). However, as it relates to unfair treatment of persons with low incomes, a higher percentage of minorities (79%) compared to whites (52%) found it problematic (Myers, 1996). Unfair treatment of minorities was seen as problematic by a majority of African-Americans (72%) and Hispanics (67%), while only 35% of whites found it to be a concern (Myers, 1996). Nationally, only 34% of respondents considered the court's disregard of defendant's right an issue of concern (Myers, 1996).

Other studies indicate the public's opinion of the equality and fairness of criminal courts appears to be more related to attitudes toward politics, class, race and the defendant's rights. Due to the decreased visibility of courts, compared to other institutions in the criminal justice system, it has been suggested that courts are more vulnerable to political influence (Nardulli, Eisenstein & Flemming, 1988). A study by Yankelovich, Skelly & White (1978) reported that 26% of respondents in a national survey considered political influence over the court a major problem. Further analysis reflected that African-Americans viewed political influence as a more serious issue than white (24%) and Hispanics (28%).

The literature shows that social class and race have also emerged as indicators of attitudes toward criminal courts. Yankelovich, Skelly, & White (1978) noted that respondents reporting incomes of less than \$10,000 were more likely to view political influence over the courts as a significant issue (Myers, 1996). Other research suggests

that African-Americans, the poor, and residents of urban areas were more likely to believe that the poor and minorities are treated unfairly and tend to have negative perceptions of the courts (Myers, 1998; Sarat, 1977; Yankelovich, Skelly & White, 1978). Myers (1996) purported that public perception of courts regarding defendants rights are impacted by the judicial system's inability to achieve certain goals set by the public. Public misinformation and misunderstanding of due process contributes to unachievable expectations such as swift justice.

The second category of research regarding perceptions of the courts – protection of society – concerns issues of bail, crime reduction, sentencing, and crime victims. First, the NOSCJ data revealed that the public's opinion of bail is contingent upon the gravity of crime committed. For example, sixty-eight percent of 1989 Gallup Poll respondents said they would refuse bail to suspected violent offenders (Myers, 1996). The NOSCJ data also showed that 73% of respondents were uneasy with granting bail to known offenders (Myers, 1996).

Second, it appears that the public also reportedly takes issue with courts inability to decrease crime. The Yankelovich, Skelly & White (1978) study reported that 43% of respondents considered this a major concern. The NOSCJ reported 67% of respondents were troubled by courts that do not contribute to crime reduction (Myers, 1996). As it relates to the courts' sentencing practices, the public attitude reflects feelings that courts are too lenient on criminal offenders (Wood, 1990). To illustrate, eighty-three percent of 1989 Gallup Poll respondents felt courts were not harsh enough (Shriver, 1989). Finally, protection of society has been assessed through studies dealing with the public's attitude

toward victim's rights. The NOSCJ revealed that a little over half of respondents (51%) considered the discounting of victims rights a major issue (Myers, 1996). McDonald (1976) expressed that though there is increased public support for victim's rights, they are reluctant to use public money to fund programs.

Quality and performance – the third factor related to perceptions – has been assessed by research dealing with attitudes toward the right to a speedy trial and the cost of the judicial process (Myers, 1996). Level of knowledge of the judicial process appears to be related to perceptions of the length of that process. According to the Yankelovich, Skelly and White (1978) study, individuals with significant “actual” knowledge of the judicial process tended to be critical of a six month arrest-to-trial duration (43%) compared to those with “average” (38%) and “limited” (26%) actual knowledge (p. 50).

For the NOSCJ measures, quality and performance was determined by assessing public sentiment toward the length and expense of the court process. The lengthiness of trials showed up as a concern for 65% of respondents (Myers, 1996). Eighty-four percent were unhappy with the cost of retaining an attorney for the judicial process (Myers, 1996). The public is reportedly uneasy with the expenses accompanying individuals who are involved in the judicial process. As conviction and sentencing disparities continue to exploit the class issues of the criminal justice system, the public appears to be resistant to the “price” of the courts. The associated cost of courts seems to alienate average citizens and contributes to their feelings of marginalization from the actors in the court system – judges, attorneys, etc.

Overall, previous research on attitudes toward criminal courts provides four major implications for this dissertation. First, race and class are determinants of negative perceptions of criminal courts. Second, the seriousness of the crime determines attitudes toward the treatment of offenders. Third, respondents overwhelmingly reported the belief that sentences were not harsh enough. Finally, knowledge of the judicial process was related to opinions toward the length the criminal justice process.

### *Death Penalty*

Of all crime-related topics, the death penalty has arguably emerged as the dominant topic in public opinion research. Whether the research includes an entire survey or one survey question, attitudes toward capital punishment are of interest to a variety of stakeholders. Bohm's (1991) examination of 50 years of Gallup Poll data resulted in a comprehensive compilation of the trends of views toward capital punishment (Longmire, 1996). In his analysis, he discovered that historically Americans have held a dominant supportive stance toward capital punishment (Bohm, 1991; Longmire, 1996). Upon analysis of 1936-1986 Gallup Poll data, Bohm found that an average of 59% of respondents held favorable attitudes toward the death penalty, while 33% were in opposition and 9% were described as "neutral" (Longmire, 1996). Demographic variables also appeared to be related to fluctuations between support and opposition. In sum, Bohm, stated "whites, wealthier people, males, Republicans, and Westerners have tended to support the death penalty more than blacks, poorer people, females, Democrats, and Southerners" (p. 135); Longmire, 1996, p.93).

Reasons for the distinct differences in death penalty attitudes of demographic subgroups have also been the focus of public opinion studies. Young (1991) found that “one of the most persistent findings of public opinion polls is that blacks are more likely than whites to oppose capital punishment” (p. 67; Longmire, 1996, p. 94). Furthermore he suggested that causes of crime explanations differ between African-Americans and whites. African-Americans tend to base their crime causation opinions on “trust in the police and perceptions of inequity,” while whites develop opinions based on “responsibility attribution” (p. 95). This, he posits, may explicate differing death penalty attitudes by race.

Race has been the most distinguishing variable in determining opinions toward capital punishment (Young, 1991). Other studies support Young’s research, such as Combs and Comer’s (1982) study that found African-Americans to be consistently the most opposing and whites were the most supportive of the death penalty. In 1994, Barkan and Cohn found that the favorable attitudes of whites were related to “antipathy toward African-Americans” and racial stereotyping (p. 95).

Though race is a determining factor, other research has looked at the potential for public opinion toward capital punishment to also be influenced by experiences, such as murder rates and fear of crime (Rankin, 1979), religious belief systems (Young, 1992), and sociopolitical ideologies (Tyler & Weber, 1982). Another example of capital punishment research was the survey conducted by Whitehead, Blankenship and Wright (1999) who examined the views of Tennessee criminal justice officials versus the ideas of its citizens regarding the death penalty. Two separate surveys were administered each

consisting of questions that varied slightly depending on whether the respondent was a criminal justice official or a citizen. The sample sizes were comprised of 87 criminal justice officials (state legislators, prosecutors, or public defenders) and 390 Tennessee residents (Whitehead, Blankenship and Wright, 1999).

Both samples reflect supportive attitudes toward capital punishment (state legislators: 95%; prosecutors: 91%; citizens: 75%) with the public defender group (21%) serving as the exception. Similar to previous research, Whitehead, Blankenship and Wright (1999) chose to explore the effect of giving respondents the option of choosing the death penalty or life without parole for the sanction in a particular scenario. Their findings fell in line with previous research and tended to decrease support for the death penalty. However, even with the life without parole option, a substantial number of respondents (40%) still supported the death penalty.

Death penalty attitudes are different; however, the determinants for support are similar to that of other criminal justice related topics. Overall, death penalty attitude research reveals that these attitudes are determined by race, class, gender, party identification and geographical location.

### Public Opinion and Punishment Philosophies

In the previous section, the general idea of public opinion and relevant aspects of the criminal justice system was assessed. An attempt will be made in this section to explore the role of public opinion regarding punishment and sentencing in order to examine determinants of the public mind. Public opinion research focusing directly on



felon disenfranchisement is almost nonexistent; however, there is a great deal of literature on the related topics of punishment and sentencing attitudes.

Theoretically, the effectiveness of democratic criminal law is contingent on two concepts. First, an offense must be defined so the citizens are aware of behavior deemed unacceptable (Samaha, 2005). Second, a punishment must be attached to the criminalized offense, so citizens are made aware of the consequences of their actions (Samaha, 2005). Criminal law and the criminal justice system are inherently and sometimes indirectly impacted by public opinion. This is illustrated best in crime policies touting public support, such as the death penalty, but made less important with understudied or archaic policies such as felon disenfranchisement. Public punitiveness deserves more exploration in this research because of its relationship with felon disenfranchisement.

Punitive public opinion is a relatively recent phenomenon in contemporary America. Flanagan and Caufield (1994) explored the development of public punitiveness in their literature of opinions towards prison policy. They found that favorable views toward treatment were dominant from the 1950's to 1970's, but shifted around the mid-1970's when the Martinson Report suggested that correctional treatment was ineffective (Flanagan, 1996; Martinson, 1974, p.25). During the treatment orientated era of the 1950's and 1960's, many viewed felon disenfranchisement laws as contradictory to the goals of rehabilitation and offender reintegration (Demleither, 2000). Specifically, groups such as the American Law Institute and the National Probation and Parole Association argued that felon voting restrictions were both exclusionary and contributing to recidivism (Demleither, 2000). The decline of rehabilitation and the resurgence of

incapacitation, retribution and deterrence in the 1970's was paralleled by a disintegrated reform effort towards collateral consequences like felon disenfranchisement (Demleither, 2000).

In the late 1980's, public sentiment began to mirror the findings of the Martinson Report, which was reflected in the ABC News poll where 86% of the respondents opposed the claim: "If a person spends time in jail, chances are good he won't commit more crimes after he gets out of jail" (Flanagan, 1996, p. 76).

As a result of changing public opinion toward treatment, Americans began to change their attitudes toward the necessity of correctional facilities and the rationale for imprisonment. Since then, attitudes as well as correctional philosophies have fluctuated. Currently, in the midst of the War on Drugs and rising prison populations, the concept of community corrections has emerged and led to increased alternatives to incarceration, such as electronic monitoring, "intermediate confinement facilities", and boot camps (Flanagan, 1996, p. 77).

The philosophical confusion on the purpose of punishment contributes to the felon voting debate in that the arguments for and against criminal disenfranchisement has been rooted in philosophy of punishment. Since felon disenfranchisement occurs as a collateral consequence once an individual has been convicted of a felony it arguably qualifies as an issue under the broader subject of punishment. Due to the gap in the literature directly related to felon disenfranchisement there is some utility in exploring how public punitiveness has previously been measured and the implications this may have on the current research.

According to Payne et al (2004), there are two critical areas in correctional policy attitude studies – punishment and sentencing. Punishment attitude research explores “why” offenders should be punished (Payne et al, 2004). The central issue in studying opinions about punishment is whether the public believes the purpose of corrections is to punish or rehabilitate the offender. Sentencing attitude research examines “how” offenders should be punished (Payne et al, 2004). Research that examines attitudes towards sentencing is concerned with the type and severity of the criminal punishment.

Punishment and sentencing both have potential implications for the current research. First, since felony disenfranchisement resembles criminal punishment, then it follows that why felons are disenfranchised is a valid question the public should answer. When criminal sanctions date back to over 200 years it seems appropriate for a civilized society to reevaluate and perhaps adjust to modernity. Second, due to the diversity among state felon voting prohibition laws it may be time to examine how disenfranchisement should be used in conjunction with criminal sentencing. As stated before, some states do not disenfranchise convicted felons, others partially disenfranchise, and still others have lifetime bans on felon voting absent an executive pardon. If the American public still supports felon voting prohibitions as a collateral consequence, then it might serve a policy interest to recognize which type of disenfranchisement law is supported with particular emphasis on state specific attitudes since states dictate which citizens are granted the right to vote.

In further support for research in this area, Payne et al (2004) suggested five justifications for studying public punitiveness. First, the information generated can

provide direction for policymakers concerned with criminal sentencing. Second, the research can contribute to awareness and comprehension about the fundamental values and beliefs of the members of a society. Third, the prevailing punishment views could affect the way the justice system reacts to crime. Fourth, Payne et al (2000) suggested that an individual's punishment orientation impacts their behaviors and has the potential for extensive effects. Finally, assessing punitive attitudes can expose the level or lack of education the public possesses regarding criminal punishment. Cullen et al (2000) stated that the public is mostly uninformed about criminal justice issues. Other researchers have concluded, "the public underestimates the harshness of the sentences that are imposed on offenders" (Cullen et al, 2000, p. 3; Roberts & Stalans, 1997).

When it comes to contemporary American public opinion on correctional issues, Warr (1994, p. 52) proposed that "there is no single dominant ideology of punishment among the US public." Furthermore, he found that when given the option, Americans tend to appeal to several punishment orientations (Warr, 1994). Cullen et al (2000) purported that "people's understanding of sentencing severity and options is restricted and often distorted" (p. 3), which brings the validity of their opinions in question.

The appearance of a punitive public has also been the subject of scrutiny. According to Payne et al (2001), punishment attitudes can be extracted from four sources:

1. research design
2. offense and offender characteristics
3. justifications for punishment
4. demographic characteristics (Payne et al, 2001, p. 196)

### *Research Design*

Methodological issues can arise when researchers attempting to extract public opinion fail to recognize the difference between measuring global or specific attitudes. Global attitudes reflect broad, nonspecific sentiments that typically focus on a policy issue, while specific attitudes express ideas in response to the application of a the policy to a “case that has a certain set of attributes” (Cullen et al, 2000, p. 16).

The former represents the most common methodology for assessing public opinion toward punishment. General views are often measured by administering telephone surveys to a nationally representative sample (Cullen et al, 2000). These larger polls are carried out by a major polling agency and often the results are promoted to the news media (Cullen et al, 2000). It is common for the use of only one or two questions to serve as the basis for public opinion on that issue. However, as it pertains to criminal justice related issues, the adequacy of the measured opinion is questionable when one or two questions cannot possibly capture the complexities of these issues.

Academicians utilizing a mail or telephone survey usually administer specific attitude research (Cullen et al, 2000). Due to their attention to detail it is rarely possible for them to use nationally representative samples, so the data is not usually applicable to the general public (Cullen et al, 2000). Additionally, empirical evidence obtained in specific attitudinal research is rarely advertised or made accessible to the general public (Cullen et al, 2000). Most often it is published in scholarly periodicals predominantly used by those in academia.

Both global and specific attitudes provide insight into what the public is thinking; however, their limitations should be noted and considered. For the purposes of the current research, both global and specific attitudes will be collected, though there is no empirical evidence showing that the public is aware or educated about felon disenfranchisement. Therefore, to only ask a global question regarding support or opposition would likely overlook the complexities of the issue. For example, the most common method for evaluating punitive attitudes is to provide an idea, and then ask respondents whether or not they agree. Reliance on global attitudinal evidence can “result in a distorted picture of public opinion about punishment and corrections” in two ways:

1. complex opinions cannot be measured if complex questions are not asked.
2. progressive opinions cannot be discovered if they are not measured

(Cullen et al, 2000, p. 7-8).

Both of the above are issues of validity and research that fails to take this into account could potentially yield false results. Literature reveals that research on specific attitudes can adequately examine the issue if the questions are meticulously created with the validity issues in mind (Cullen et al, 2000). Cullen et al suggested “the methodology used in a survey not only constrains the type of opinion assessed, but also influences, if not biases, the conclusions that are about what the public thinks should be done to lawbreakers” (p.7). To address validity, researchers examining punitive attitudes have used a variety of techniques, such as the classical experiment design (Howells, Flanagan, Hagan, 1995), the factorial survey design (Applegate, 1997), and focus group research (Heuman, Pinaire & Clark, 2005).

### *Offender and Offense Characteristics*

The type of offense and the characteristics of offenders can play a vital role in punitive attitudes. An examination of offender and offense characteristics is an example of studying specific attitudes. Many studies have utilized survey experiments, which varied the characteristics of the offense as well as the offender. In the 1994 Lexington Race and Crime Survey, Hurwitz and Peffley (1997) sought to examine the role of racial stereotypes in the development of public opinion toward crime and criminal suspect. Their examination focused on three conditions: the nature of the crime, the nature of the policy and the nature of the criminal (Hurwitz & Peffley, 1997). They hypothesized that these three areas would show that individuals' negative perception of African-Americans is contingent on the presence of certain circumstances.

They utilized the University of Kentucky's Research Center where interviewers telephone surveyed 501 Lexington, Kentucky residents (Hurwitz & Peffley, 1997). The sample was generated with random digit dialing and each interview lasted approximately 15 to 20 minutes (Hurwitz & Peffley, 1997). The variables under study were black racial stereotypes operationalized into opinions of black laziness and violence along with the following control variables: white stereotype index and standard political and demographic variables (Hurwitz & Peffley, 1997). The interview questions were actually designed as separate experiments depicting scenarios representing a white collar (embezzlement) versus a violent crime (assault), prison furlough programs, offender rehabilitation potential, carjacking sentencing, and drug rehabilitation and job training programs (Hurwitz & Peffley, 1997).

The study found that acceptance of black stereotypes was highly predictive of the manner in which whites' judged a particular crime scenario (Hurwitz & Peffley, 1997). The scenario depicting a black assault suspect yielded the strongest support for the prediction that whites who stereotype blacks also consider blacks more criminal (Hurwitz & Peffley, 1997). In regard to crime policy, racial stereotypes were determinants of punitive decisions to accept or reject black offenders' access to prison furlough or prison rehabilitation and the sentencing of convicted black carjackers (Hurwitz & Peffley, 1997). For example, respondents who perceived blacks as "incorrigible and beyond rehabilitation" were likely to oppose prison furlough programs for blacks (Hurwitz & Peffley, 1997). Stereotypes of white offenders were unrelated to perceptions of prison furlough programs. These "negative stereotypers" also believed that blacks would have high recidivism rates once released.

### *Demographic Characteristics*

Individual characteristics are often seen in public opinion research as predictors of certain opinions. This dissertation heavily centers on the interaction of demographic characteristics with opinions of felon voting rights. As such, a detailed discussion of previous research on criminal justice attitudes and demographics is discussed in the Theoretical Framework section of this dissertation. However, to illustrate how demographic characteristics have been used in criminal justice attitude research, a discussion of education and religion – two common variables in criminal justice attitude research – are outlined below.



*Education.* Education has been positively associated with preferences for rehabilitation (Applegate, Cullen & Fisher, 2002). Payne et al (2004) found that education appeared as the “strongest variable” in their analysis of punitive attitudes. Education had a negative association with punitiveness, which supports the findings of Rossi, Berk and Campbell (1997) who concluded that those with higher levels of education tend to be less punitive than those possessing lower levels of education.

In a different approach to looking at the impact of education - not necessarily formal education but instead, correctional knowledge – Lane (1997) studied the impact of a corrections course on the punitive attitudes of college students. A total of 114 University of California – Irvine undergraduate students were administered pretest and posttest surveys to assess whether “a university corrections course would produce less punitive responses to crime” (p. 187). The study fell in line with the assumptions of “many researchers and academicians” who argue that “education should affect beliefs and opinions and that lack of information among the public about the details of the criminal justice process [is] the primary reason for the punitive attitudes that do exist” (Durham, 1994; Lane, 1997, p. 187; Riley & Rose, 1980; Roberts, 1992; Zimmerman, Van Alstyne, & Dunn, 1988).

Students enrolled in a White Collar Crime course and a Corrections course were given Lane’s survey at both the beginning and end of the semester. The study consisted of four parts: demographic and social characteristics; a knowledge scale; punishment philosophy items; and crime scenarios (p. 187). The knowledge scale served as an assessment of acquaintance with the material covered in the corrections course. The

crime scenarios were created using a 2x7 factorial design which produced 14 different vignettes. Respondents were asked to select the appropriate punishment for the offense provided in the scenario. The results indicated that the knowledge gained in the corrections course decreased the punitiveness of the respondents.

*Religion.* Individuals may use religion to understand their experiences and as a guideline for assessing how they and other people behave (Kelley, 1967; Leiber & Woodrick, 1997; Spilka, Shaver & Kirkpatrick, 1985). In this context, it follows that religious values may affect an individual's perception of punishment. For example, depending on one's interpretation, Christian principles may provide support for two very opposing punishment rationales. The Old Testament's "eye for an eye" is clearly retributive and punitive, while the New Testament's "turn the other cheek" seems to be rehabilitative. Research has indicated an association between Christian fundamentalism and punitive attitudes (Ellison & Sherkat, 1993).

Leiber and Woodrick (1997) studied the opinions of 264 Iowa juvenile justice workers (n=97) and correctional staff personnel (n=167) and reported that "theory and empirical results indicate that Christian fundamentalist beliefs may be positively correlated with the tendency of people to attribute crime causation to dispositional factors and to adhere to a punitive orientation" (p. 498). The dependent variable for their study was "correctional orientations" (punitiveness and rehabilitation), which was operationalized to measure the punitiveness of the respondents. The independent variables included religious measures (biblical literalness and religious salience), attributions (blaming the person, blaming the family and peers, and blaming societal

factors) and control (social attitudes, racial stereotyping, gender stereotyping, gender, age, years of education and a social science specialization). The study revealed a positive relationship between biblical literalness and attributing blame to the person. Christian fundamentalism is characterized by individuals who literally interpret the Bible and therefore attribute unacceptable behavior to the free will or faulty character of the individual (Leiber & Woodrick, 1997). A tendency to support corporal punishment, capital punishment as well as punishment in general is often found in persons who adhere to a literal interpretation of the Bible (Ellis & Sherkat, 1993).

#### *Justifications for Punishment*

Past research depicts confusion amongst the public regarding why offenders should be punished. Though public opinion may be hypocritical and conflicting at times, the rationale for punishment is an important domain to examine in criminal justice research. The level of public punitiveness can play a determining role on the types of crime policy developed and ultimately implemented by legislators. In 1988, Cullen, Cullen and Wozniak (1988) suggested that lawmakers perceived the public as being highly punitive and lacking supportive attitudes toward rehabilitation (Johnson, 1994). Indeed this sentiment is empirically based, but may not be indicative of the complexities associated with such attitudes (Cullen et al., 2000). Evidence of the public's punitiveness is visible in the appearance and acceptance of "tough on crime" policies as well as the findings of various polling agencies (i.e. General Social Survey, 1996 CBS News Poll, 1998 Time/CNN/Yankelovich Partners, 1997 NBC News/Wall Street Journal Poll) (Cullen et al., 2000, p. 26).

Throughout the literature four common themes emerge surrounding sentencing preferences. Though various theorists have presented rationales for punishment (Beccaria, 1764/1963; DuBois, 1904; Durkheim, 1947), Itzkowitz and Oldak (1973) suggested four distinct justifications for criminal punishment: deterrence, rehabilitation, retribution and incapacitation (Simson, 2002). Deterrence focuses on preventing future criminal acts. In practice, deterrence manifests itself as policy and programs supporting stiffer penalties (Simson, 2002). The rehabilitation rationale is concerned with treatment of the offender (Simson, 2002). Rehabilitation became popular between the 1950s and 1970s when the public sentiment reflected beliefs that criminals could be “corrected” (Simson, 2002). The continuous use of the term “corrections” indicates that rehabilitation may still be an important concept in criminal punishment (Simson, 2002). Retribution, the third justification, is based on the natural propensity to seek revenge on the perpetrators of wrongdoing (Simson, 2002). It also strives to “teach moral responsibility”. The final justification, incapacitation, involves disabling the offender from participating in a facet of society that benefits the community (Simson, 2002).

Punishment schemes in the U.S. retain elements of all of the abovementioned rationales. This diversity in opinions has been studied in a variety of different ways; still there is no authoritative assessment to guide policy makers. Instead, what exists is the ability for interested parties to “weave together various strands of information gathered from [the] diverse studies” and extract three inferences:

1. Citizens are accepting of specific policies that inflict penal harm on offenders (Clear, 1994);

2. Punitive views exist side by side with progressive views, and thus do not preclude support for policies aimed at improving the lives of offenders;
3. Individuals tend not to hold punitive views rigidly...they will moderate these views if given a compelling reason to do so (Cullen et al., 2000, p. 28).

In the mid-1980s, rehabilitation returned as a sentencing policy preference. Unlike its previous dominance in the 1960s and 1970s, the 1980s rehabilitation ideas were coupled with more punitive ideas (Sundt, Cullen, Applegate & Turner, 1998). Much literature exists that indicates there was a combination of punishment preferences on the 1980s (Cullen et al., 1985; Sundt et al., 1998, p. 426).

The 1990s revealed yet another shift in the correctional philosophy of the American public. This shift is evident in the public policy changes of various states. First, some states begin enacting “three strikes and you’re out” laws, which mandated sentences of life without the possibility of parole for individuals convicted of their third felony. Between 1993 and 1994, a variation of three strikes laws had been implemented in 15 states (Sundt et al., 1998; Turner, Sundt, Applegate & Cullen, 1995). Second, in the mid-1990s, Alabama and Arizona both introduced the chain gangs for individuals housed in a correctional facility (Cullen et al., 2000). The decision to reincarnate the chain gang is reflective of a perception that the public wants to punish offenders, since chain gangs are not proven to have any rehabilitative functions. Third, another result of the punitive 1990s was the reduction of “inmate amenities” such as the loss of federal funding for post secondary education and restricted access to computers, television and athletic equipment (Cullen, 1995).

Though the 1990s was obviously a decade of policies that revealed a punitive America, empirical evidence indicates that rehabilitative ideals remained a fixture of the public's goal for punishment and sentencing. Tonry (1998) refers to the public's hybrid theory of corrections (p. 206), which he defines as an interconnection of "retributivist and utilitarian" justifications (Cullen et al., 2000). In support of Tonry's theory, other research has suggested that the public does not necessarily see punishment and rehabilitative ideas as mutually exclusive (Cullen et al., 2000, p. 48). Evidence of the public's hybrid theory of corrections is apparent through the results of several opinion polls. For instance, in the Associated Press 1994 national poll, twenty-nine percent of respondents indicated support for rehabilitation, twenty-seven percent favored punishment and 40% selected incapacitation as the main focus of imprisonment (Goldberg, 1994). In contrast, Johnson (1994) found in his statewide sample that a majority of Kentucky residents (56.4%) supported rehabilitation as the fundamental goal of corrections.

These conflicting ideas become more obvious when considering various types of offenders. Oftentimes public opinion is fluid when it comes to certain situations (Cullen et al., 2000). Further evidence of a fluid punitive public is seen in its likelihood to prefer rehabilitation for youthful offenders (Cullen et al, 2000), nonviolent offenders (Sundt et al., 1998) and those already incarcerated (Cullen et al, 2000). In addition, there appears to be increasing public support for intermediate sanctions such as: restitution, community service, electronic monitoring, and intensive probation supervision (Cullen et al., 2000, p. 42).

Furthermore, the “tenacity of rehabilitation” has been examined in a number of studies since the 1980s (Cullen et al., 1988; Cullen, Skovron, Scott & Burton, 1989; Sundt et al., 1998). Pertinent to the current research, Johnson (1994) conducted a survey to test the “tenacity of rehabilitation” on a sample of Kentucky residents. In 1992, Johnson completed 188 telephone surveys with adult residents in a heavily industrialized eastern Kentucky city. The survey sought to build on previous research by examining a different population’s ideas about correctional rehabilitation (Johnson, 1994). Participants were asked to select their preferences when presented with a series of paired statements that either upheld a treatment ideology or encouraged a punitive ideology (Johnson, 1994). Within those paired statements, some items specifically sought to assess a respondent’s perception on the best way to manage inmates. Johnson reported that 57.6% of respondents favored providing offenders an opportunity to participate in rehabilitative activities while incarcerated. Again, the majority of respondents (68.1%) reported support for providing inmates with “educational and vocational training” (p. 43). Overall, the study found that Kentuckians believe punishment should be coupled with rehabilitation.

The search for the literature reported above did not yield any examples of research that couples punitive attitudes with public opinion and felony disenfranchisement. The closest relationship that exists in the literature deals with measuring the tenacity of rehabilitation. This inference derives from the arguments for and against disenfranchisement. Typically, supporting philosophies of felon voting restrictions are based on similar rationales to the tough on crime stance (i.e.

incapacitation, deterrence and retribution). Arguments against felon voting restrictions derive from treatment rationales (i.e. rehabilitation), which assert that once an offender has completed their sentence then he/she should be rehabilitated and free to live as law abiding citizens. This dissertation will empirically test the relationship between punitive attitudes and public opinion towards felon disenfranchisement.

### Public Opinion and Felony Disenfranchisement

There have been very few major studies that solely focused on public attitudes toward felon voting laws. This section summarizes the available literature and data on public opinion toward felon voting rights and restrictions. The first section focuses on attitudes of the general public, while the second section reports the opinions of convicted felons.

#### *General Public Opinion and Felony Disenfranchisement*

In the first “comprehensive assessment” of attitudes toward felony disenfranchisement, the Pinaire, Heumann, and Bilotta (2003) study sought to explore attitudes toward felony disenfranchisement from a civil liberties perspective. The authors presumed that American generally accepted “justice” and “rights” while maintaining that the criminal justice system should guard both (Pinaire et al., 2003) They also predicted that the public would believe that rights are accompanied by rules that should be followed (Pinaire et al., 2003). If one breaks the rules, then one must face the appropriate punishment. However, they questioned whether or not the public would support collateral consequences of conviction, such as felony disenfranchisement (Pinaire et al., 2003).



Conducted in May and June 2001, the Pinaire et al study used a cross sectional, exploratory research design (Pinaire et al., 2003). Though they developed several hypotheses, their goal was to lay a framework for subsequent research on felony disenfranchisement. The authors also expected to find some supportive attitudes toward felony disenfranchisement due to the fact that 48 states continue to disenfranchise felons (Pinaire et al., 2003). Stratified random sampling was used to yield a sample size of 503 (Pinaire et al., 2003). The survey questions were grouped into the following categories:

- Purpose of the criminal justice system
- Public attitudes about offender treatment
- Public support and rationale for felony disenfranchisement

The research findings somewhat supported the researchers' assumptions about the public's opinion (Pinaire et al., 2003). They concluded that the predominant public opinion was somewhere in between supporting and opposing felony disenfranchisement (Pinaire et al., 2003). Overwhelmingly, Americans did not strongly agree with policies that never limit a felon's right to vote, while at the same time being unsupportive of permanent felony disenfranchisement. They found that 81.7% of the respondents rejected permanent disenfranchisement of convicted felons (Pinaire et al., 2003).

There were some important findings between attitudes toward fairness of their respondents and several independent variables: race/ethnicity, party affiliation, and education. African-Americans, Hispanics and those with who indicated a level of education at "some high school" were less likely to consider the system "generally fair" (Pinaire et al., 2003). African-Americans were more inclined than whites to believe the

criminal justice system was unfair (Pinaire et al., 2003). As it relates to respondents' opinions on the goal of the criminal justice system correlated with race and party affiliation, African-Americans absolutely opposed permanently restricting felon voting rights (Pinaire et al., 2003). They also felt that rehabilitation was the priority of the criminal justice system. Republicans felt punishment was the goal of the system, while Democrats favored rehabilitation (Pinaire et al., 2003).

Though the research contributed to an area of study that has been largely neglected, the authors suggested that future research should be more focused on individual states that continue to permanently ban all convicted felons. They hope that individual state-wide studies will be conducted in order to examine how attitudes are affected by the state's "political culture, history, and tendencies" (Pinaire et al., 2003, p. 1549). Additionally, they wish to compare public opinion of residents with the public policy of the state (Pinaire et al., 2003).

The 2002 Manza, Brooks and Uggen study shared similar goals with the abovementioned research. However, rather than question respondents directly regarding their opinions of felony disenfranchisement, Manza et al (2002) used two types of attitudinal measures to assess how the public felt about enfranchisement, rather than disenfranchisement. The study sought to examine the following research questions:

- Do Americans support the enfranchisement of individuals convicted of a crime?
- Does the level of support vary depending upon the level of supervision or the specific nature of the crime?

Conducted in July 2002, the study used a stratified, random sample of 1000 adults US residents and had a response rate of approximately 29.3 to 38.7 percent (Manza et al., 2004). The sample was stratified based on “geographical region and by metro versus non-metro residence” (Manza et al., 2004, p. 278). The questionnaire design consisted of a “battery of wording experiments” intended to assess “attitudes toward crime, punishment and the civil liberties of criminals and ex-offenders” (p. 278). The wording experiments also served as an avenue for the researchers “to examine how specific references to target groups and other framing processes used by competing elites or other opinion leaders may affect public opinion concerning enfranchisement” (Kinder, 1998; Manza et al, 2004, p. 278). The response categories were dichotomized and coded “1” for support and “0” for no support.

The questionnaire was designed around the two attitudinal measures from the research questions. A total of three categories of questions were used: Dimension 1, Dimension 2, and Civil Liberties. Dimension 1 items were used to observe respondents attitudes based on the status of the offender in question. The questions contained identical wording, but varied by the correctional status of the offender in question. The researchers conceptualized the construct “correctional status” as: probationers, parolees, prisoners and ex-felons. Two different variables were used to represent probationers – Probationer<sub>1</sub> and Probationer<sub>2</sub>. The first probation variable (Probationer<sub>1</sub>) implied that the probated offender in the scenario had not been incarcerated. The other variable (Probationer<sub>2</sub>) directly stated the probated offender was not previously incarcerated.

Dimension 2 items dealt with attitudes toward ex-felons and differed by the type of crime committed by the ex-felon in question. This area measured the impact of different crimes on the public's enfranchisement opinions. The construct "ex-felon" was conceptualized as: baseline ex-felon, sex offender ex-felon, white collar ex-felon, and violent ex-felon. The baseline ex-felon served as an "abstract" concept used to decipher if there was a difference in opinions toward ex-felons in general and those who committed specific categorical crimes (white collar, violent, and sex offender).

The Civil Liberties component of the study consisted of a baseline civil liberties variable, which was given to all respondents, along with three others – ex-felon civil liberties, ex-felon/legalization activist, and legalization activist. The baseline civil liberties item actually contained First Amendment content that was totally unrelated to felony disenfranchisement. This measurement derived from Stouffer ([1955] 1963) and is also found in the General Social Surveys. Manza et al selected this item because "it involves a different target group than criminals, and one that may be seen as less threatening and controversial by respondents" (p.279). The other civil liberties variables contained the same First Amendment content, but specified the type of individual seeking to engage in the constitutionally protected conduct.

Overall, the study produced support for enfranchising convicted felons. However, support wavered for giving incarcerated individuals the right to vote. No demographic variables were correlated with the public attitudes and only descriptive statistics were reported. In regard to Dimension 1 items, Manza et al found that the most favorable enfranchisement responses were toward probationers and parolees. The results showed no

statistically significant difference between the two probation variables. Therefore, respondent opinions were not necessarily impacted by a convicted felon's previous incarceration. However, their opinions did appear to be related to current incarceration offenders. Only 31% of respondents favored enfranchisement for prisoners.

The items under Dimension 2 reflected that the type of offense committed could impact public opinion toward enfranchisement. Eighty percent of the respondents supported the enfranchisement of a general ex-felon (baseline). The majority of respondents favored enfranchisement for white collar (63%) and violent (66%) ex-felons, but only 52% supported voting rights for sex offense ex-felons.

The assessment of civil liberties ideas yielded overwhelming support with 82% favoring a right to basic civil freedoms. Eighty-five percent favored allowing an ex-felon the First Amendment rights to free speech and freedom of religion. However, the support slightly diminished when respondents were asked to consider the freedom of speech of an ex-felon convicted of drug trafficking (72%) and an advocate for the legalization of drugs (72%).

In sum, the Manza et al study produced innovative information regarding public support for felon voting rights. Their findings also support previous research (Pinaire et al) which showed that the public may be more inclined to protect civil liberties over the dominant perception of support for punitiveness.

A third related study served as a follow-up to Pinaire,et al's (2003) previous research on attitudes toward felony disenfranchisement. In this study, Heuman, Pinaire and Clark (2005) utilized focus group research to assess public opinions toward collateral

consequences of convictions. The study possessed a broader focus but included questions directly pertaining to felony disenfranchisement. The authors' previous survey research experience contributed to the idea for this focus group methodology because they felt it would allow more "interaction and deliberation" between the study participants. Utilizing a snowball sampling method, the researchers recruited participants who would then recruit others, which resulted in four focus groups - two with Rutgers University staff members and two with Rutgers University students (Heuman et al., 2005).

From the data gathered, the researchers noticed several insights. First, participants declined expressing all inclusive "lock'em up" approach to criminal justice. Instead, they preferred forming opinions on the basis of details of the "proposed situation, the alleged crime and mitigated circumstances" (Heuman et al., 2005, p. 31). As a result, their toughness or softness toward offenders was contingent on the details of the case. Second, the participants displayed disdain for felon voting prohibitions. Most of them preferred a utilitarian punishment so felon disenfranchisement made little practical sense. In other words, they did not see the utility, or the greater good, imposed on society by restricting felon voting rights. Though the majority of participants were in favor of felon enfranchisement, there were some dissenters, but even they argued that disenfranchisement should be distributed only to certain offenders. Finally, the last relevant discovery from this research was the awareness level of the participants. It was apparent to the researchers that most participants had little prior information regarding collateral consequences. They were unaware that felons lost the right to vote upon

conviction and were unable to grasp the reasoning behind collateral consequences in general.

*Felon Opinions Towards Felony Disenfranchisement*

In another study, Uggen and Manza (2002) focused on felon political attitudes providing another method for gauging attitudes toward felony disenfranchisement. This study included information on “political attitudes, preferences, engagements, and voting behavior” of convicted criminals (p. 3). Two primary data sources were utilized, but the results from the qualitative research on convicted criminals are reported here. Uggen and Manza conducted semi-structured interviews with 33 Minnesota inmates of varying correctional statuses. The interviews were conducted at “two [Minnesota] correctional facilities and one community corrections office” (p. 12). The demographic information for the respondents was not specifically reported. However, Uggen and Manza described the respondents’ race and gender as “varied” and their age range between 20-54 years.

In order to ensure that the sample was comprised only of felons, the respondents were first asked to verify they had received a felony conviction. There were also asked about their previous voting behavior, which revealed deficient knowledge of the duration of their disenfranchisement. The participants were all aware of the prohibition of felon voting and reportedly received this information primarily from “probation and parole officers, Department of Corrections officials, and other convicted felons” (p. 13).

Twenty-two participants indicated prior voting behavior, though respondents reflected disdain toward the electoral process. As a result of these conversations with

convicted felons, Uggen and Manza inferred that enfranchisement may correlate with one's desire to seek "political knowledge, awareness, or interest" that might serve as the source of where the initial drive to participate begins. They also found that there were reported limitations to obtaining daily political information within the walls of confinement, which might negatively affect an interest in anything political. In contrast, there is evidence that incarceration is a politicizing event by which individuals actually become more aware and interested in political engagement.

The interview questions were designed to specifically address "political participation, partnerships, trust in government, and attitudes about other civil disabilities," while also attempting to protract attitudes toward felony disenfranchisement (p. 12). The key research question related to the topic of felon voting rights was worded as follows:

"How does losing the right to vote affect their ideas about being part of a community?"

Respondents' attitudes reflected their connection between enfranchisement and offender reentry. One female inmate explained disenfranchisement as "salt in her wounds" (p. 17), in that the policy serves as a reminder that even though released into free society, the ex-offender will not regain full citizenship. The citizenship argument was furthered by responses that conveyed nonvoters are not citizens because they have no voice. Paul, a 37 year old male inmate stated that:

I have no right to vote on the school referendums that will affect my children. I have no right to vote on how my taxes is going to be spent or used, which I have to pay whether I'm a felon or not, you know? So basically I've lost all voice or control over my government.



Uggen and Manza also found that a large number of participants believed that they had lost the right to vote for 10 years or more. In actuality, Minnesota re-enfranchises all ex-felons upon their release from the criminal justice system regardless of their correctional status. Due to unawareness about ex-felon voting eligibility coupled with lack of inquiry into the re-enfranchisement process, Uggen and Manza cautioned that felon disenfranchisement could have a far-reaching effect past the actual prohibitory period.

Overall, Uggen and Manza learned that felon political attitudes widely vary though they are often treated as a “homogenous mass” (p. 29). Also, the felons felt that disenfranchisement laws should be constricted to not include criminal conduct that was unrelated to voting. The participants also question felony disenfranchisement as a “collateral consequence” to their criminal punishment.

Another variation of a qualitative study on felon voting opinions was conducted by Steinmetz (2003), who chose to speak with those who were directly impacted by felony disenfranchisement laws. She explained that the research served two purposes. First, she sought to establish a rationale for the disproportionate social class and racial effects of felony disenfranchisement. Second, she attempted to examine the beliefs of convicted felons toward their disenfranchised status and the coping mechanisms they used in dealing with their inability to participate as a full U.S. citizen.

Her sample derived from inmates from the Baltimore Pre-Release Unit for Women (BPRU-W) where she conducted face-to-face interviews with thirteen inmates. Due to the “vulnerability” of the inmate population, she accepted participants on a

voluntary basis and was unable to retrieve a representative sample. She reports that the median participant age was 38 years. The majority of the participants were mothers and/or grandmothers. The sample's racial makeup consisted of six black, five white, and two multi-racial women.

The criminality of the women was considered and of notable importance since Maryland's felony disenfranchisement laws differentiate between certain crimes and the amount of crime committed. More specifically, individuals convicted of two or more violent felonies are prohibited from voting indeterminately. Sixty-nine percent ( $n=9$ ) were incarcerated for their first felony and two of the nine were incarcerated for parole violations. The remaining participants were incarcerated for repeat offenses.

Similar to other studies regarding felony disenfranchisement, Steinmetz assessed voting behavior and the level of knowledge participants possessed toward felon voting laws. Approximately seventy-seven percent ( $n=10$ ) of participants reported being registered voters before they were arrested. Eight participants indicated they had voting before to their imprisonment.

In regard to their knowledge of the loss of voting rights for felons, twelve women stated that no official notice was communicated about the suspension of their voting rights. One participant stated she received an incomprehensible letter regarding the suspension of her voting rights. However, most of the women possessed some level of knowledge about their disenfranchisement. This information seems to derive from informal communication with family and other inmates. Remarkably, Steinmetz reports that the majority of participants falsely perceived that as convicted felons they were

permanently disenfranchised. Based on Maryland's current law, eleven of the thirteen women would be eligible to vote once their sentence is served out. Steinmetz concluded that though Maryland laws may not be the most restrictive on felon voting rights, she finds that the lack of communication or effort toward educating convicted felons on behalf of the state appears to have a "de facto disenfranchisement" effect.

The study participants were also asked to share their views on the purpose and rationale of the correctional system. Several participants reportedly mentioned the paradox between the rehabilitative correctional philosophy and felony disenfranchisement laws. They apparently recognized and resented the contradiction as well as doubted the effectiveness of rehabilitation.

Most of the participants were initially unaware of Maryland's distinction between violent and nonviolent offenders and the number of offenses committed by an individual. When they were subsequently questioned about their attitudes regarding whether or not convicted felons should be able to vote, twelve participants responded favorably to automatic re-enfranchisement once an individual is no longer incarcerated and while on probation and parole.

Opinions toward an incarcerated offender's voting rights received mixed responses. Economic citizenship was a recurring issue in responses related to enfranchising incarcerated individuals. Steinmentz reports that as a pre-release facility, BPRU-W requires all inmates to be gainfully employed. Though some are employed at the facility, others work off-site and actually pay rent and taxes. Economic citizenship

appears to be such an issue because the women believe individuals who work and pay taxes, regardless of their incarceration, should be allowed to vote.

White women were much more inclined to discuss or broach the subject of citizenship with an economic basis.

Steinmetz found that female felons appear to be concerned about voting and related political issues. All of the women considered voting a significant issue. She found that the inmates' restricted freedoms and related dependence on the government contributed to their appreciation in having a voice in this society.

A recent study on attitudes toward felony disenfranchisement, Cardinale conducted 50 in-depth, face-to-face interviews with homeless, male, convicted felons. Unlike previous research, Cardinale sought to address several issues related to disenfranchised felons. His interviews consisted of questions about political participation (including pre- and post-conviction voting and registration information), political behavior (including lobbying and protesting), and political alienation.

This study represents a divergent approach to other studies and attempts to explore the practical ramifications of felony disenfranchisement. Rather than following suit with other studies, Cardinale provides some insight into the thoughts and opinions of those who are directly impacted by felony disenfranchisement laws. In order to accomplish an accurate reflection, he records reported prior voting behavior then compares them with the current voting behaviors of the felon respondents. Forty percent of respondents indicated voting behavior in an individual election before their initial felony conviction, while 20% reported "regular" voting behavior preceding felony

conviction. In the aftermath of their felony conviction, only 3% had actually voted, though 41% were re-enfranchised.

According to Cardinale, felony disenfranchisement not only impacts subsequent voting behavior, but it also appears to curb other types of political participation, such as lobbying and protesting. He attributes this indirect relationship to political alienation and distrust fostered by restricting felon voting rights. Thirty-eight percent of the respondents claimed involvement in civic activities prior to their convictions, but Cardinale found a decrease to 30% once convicted and disenfranchised.

In order to gauge attitudes about their status as a disenfranchised felon, Cardinale asked “What was your reaction when you first learned you had lost the right to vote? Did you have feelings about it?” (p. 7). This question produced a variety of thoughts concerning citizenship, alienation and distrust, and anger and apathy. The question was asked as a component of the in-depth interview; therefore, Cardinale’s findings were not presented in a complete quantitative format, but instead mostly qualitative. Thirty-four respondents reported a negative impact felt after losing their right to vote.

Disenfranchisement reportedly caused some respondents to feel like “a fraction of a citizen” (p.7). Cardinale suggested that this information should be used to direct comprehension of “how disenfranchisement influences people’s views of themselves and the legitimacy of politics in general” (p. 7). Detachment from the political process, specifically voting, appears to be linked to resentment toward the whole voting process. To illustrate, Cardinale reported the statement of respondent “BJ”:

*“It makes me mad, upset. If you can’t vote, you can’t get no change in office...”*

(p. 9)

BJ’s anger was reflective of other responses to Cardinale’s interview questions. Cardinale reported “a measurable thread of anger...” (p. 10).

Attitudinal research such as Cardinale’s seek to examine how a group of individuals feel, but they may also wish to measure the respondents’ knowledge regarding the subject area. In this study, Cardinale asked respondents to pretend they were speaking to a “new peer at the Union Rescue Mission” about felon voting rights (p. 12). He found alarming deficiencies in the amount of correct information given by the respondents. California is a state that enfranchises probationers and re-enfranchises ex-felons; however, only sixty percent of the respondents accurately reported the state law. Ninety-six percent claimed to have received no information by prison or parole staff related to their right to vote. This level of misinformation suggests that while there are approximately 5 million Americans with a documented voting disability, the numbers that are unknowingly eligible – de facto disenfranchisement – may be drastically higher.

Similar to Cardinale’s study, Wahler (2006) conducted 40 interviews with felony parolees in an urban area in Kentucky. The study respondents were recruited by flyers that were posted in community agencies heavily utilized by parolees. Participants were asked about their opinions regarding losing the right to vote, knowledge the state’s restoration of civil rights process, and perceptions of their ability to complete the restoration application process. Each interview lasted approximately 20-30 minutes.

The study sample was predominantly male (n=30), with a high school education or less (n=30), who had committed a nonviolent offense (n=33). The sample was comprised of a mixture of Caucasian (n=18) and African-American (n=19) participants. Approximately 43 percent did not report any pre-incarceration voting behavior, though approximately 38 percent reported voting multiple times prior to their incarceration.

This study represents the first study of its kind in the Commonwealth of Kentucky. The results revealed that permanent disenfranchisement in Kentucky isolates a considerable number of people who would vote if permitted. Overwhelmingly, the participants also displayed misinformation or lack of information regarding the restoration of civil rights process in Kentucky. One participant stated, “You know, to me it seems like they want to penalize you for the rest of your life for a mistake that you’ve made” (p.11).

Wahler’s study gave convicted Kentucky felons a voice. Though the sample size was small, the voices were loud and clear. Their comments revealed a desire for political participation. One participant stated that he wanted his rights restored because:

*... now I have kids and I want to do the right thing. Plus, I want to have a say in what happens around me. I don’t like the President and the government now and I didn’t get to vote to say what’s happening....If I don’t vote, then I can’t complain about it, I guess (Wahler, 2006, p.13).*

Another participant’s response exposed an unwritten disenfranchisement policy:

*I heard that there wasn’t a process. It’s kind of the general consensus of inmates or people that’ve been in that it’s not the norm to get them back. Every now and then, if you was somebody that works in Frankfort or works for the governor or something, or somewhere that has some kind of pull, then you might be able to get them back. But, other than that, you know, generally we don’t address the issue or even pursue it (Wahler, 2006, p. 14).*

Wahler concludes that a change is needed in Kentucky. With the amount of misinformation reported, she suggests that more public education on the current restoration process is necessary. She also suggests a constitutional amendment changing the disenfranchisement policy or at the minimum, an executive change that makes the process less cumbersome.

In conclusion, the literature review above provides a framework for which felon voting rights research falls in the broader sense of criminal justice research. Beginning with a broad view of general public opinion, following with an examination of crime-related opinion studies and culminating with a review of research specifically on opinions towards felon voting rights, the above research exposes a need for more. Coupled with the public policy analysis in the previous chapter and the revelation of the “crazy quilt” of state felon voting laws, there is an apparent need for similar research that focuses on different study samples and the consideration of other demographic variables. This research can serve as a diverse contribution to the current body of literature on opinions towards felon voting rights. The following section outlines the theoretical framework used to inform the development of research questions and hypotheses.

### Theoretical Framework

*Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon (KY Const., Sect 145, 1955).*

This section outlines why it is necessary to determine what factors cause support or opposition to felon voting rights. First, we explore the role public opinions would play



in the changing of current Kentucky law. Second, we identify the theoretical framework and discuss its relation to existing research. Third, the conceptual models are displayed to show how the theory will inform the study. Finally, we present the research questions and hypotheses that were stem from the theory and existing literature.

Unlike most other states, in Kentucky the felon voting debate is a voting rights and state constitutional issue. Currently, a coalition of groups across the state has formed to advocate for felon voting rights by supporting research, legislation and public education. While legislators are introducing bills to amend the state constitution to allow for a ballot on the next election. Both of these activities are necessary if the current law were to change.

The Kentucky State Constitution explicitly grants the governor the power to pardon felons, which essentially gives him the ability to change the pardon criteria to match his beliefs on which, if any, felons should regain their right to vote. Therefore, whom the Kentucky citizenry elects determines which or if felons will be re-enfranchised. Furthermore, it will take the elected officials of the Kentucky General Assembly to introduce and pass legislation for a ballot measure that would allow Kentucky citizens to vote on a constitutional amendment that modifies the existing felon disenfranchisement law. If this legislation passes and is subsequently placed on the ballot, it will be up to Kentucky residents to vote it into law.

Due to constitutional nature of the Kentucky felon disenfranchisement debate, exploring public opinion regarding felon voting may indicate whether or not the Kentucky law is still supported and which individual characteristics determine public

support. This research finds its theoretical basis in political socialization literature because research supports that political opinions are developed through “the [political socialization] process by which people learn to adopt the norms, values, attitudes, and behaviors accepted and practiced by the ongoing system” (Sigel, 1970, xii; Bardes & Oldendick, 2003, p. 87). The theory is based on the assumption that “a person thinks, politically as he is socially” (Lazarsfeld, Berelson & Gaudet, 1948, p.27).

Since the late 1950s, individual orientations, such as economic, social and psychological factors, have been a focus of political socialization research (Thomas Chaffee, 2005; Lipset 1960). The notion of political culture is a key component of analyzing individual factors that act as agents of political socialization. Greenberg (1970) defined political culture as “the characteristic pattern of political orientations found within a political community” (p. 7). Furthermore, political socialization can be viewed as an individual’s acceptance of their surrounding political culture (Greenberg, 1970), at which time they obtain “information, feelings and beliefs that help him/her to comprehend, evaluate and relate to the surrounding political world” (Thomas Chaffee, 2005, p.). Thomas Chaffee (2005) noted that though citizens of a country may have a collective national identity their in-group beliefs may differ. Political socialization research aids in clarifying these differences.

A major tenet of the original theory is the concept of stability. In previous research, this concept has been guided by the generic predispositional model, which holds that “some attitudes become highly crystallized and serve as ‘predispositions’ for responses to new attitude objects,” and are “acquired before the adult is fully

mature,...relatively stable over the life course,...consistent with related attitudes, and...influence the formation of attitudes toward new attitude objects” (Sears & Funk, 1999, p. 1).

Historically, the key focus of the political socialization process has been to guarantee that political orientations remain stable from generation to generation (Markus, 1979). However, during its 1990s resurgence it was suggested that the process is more lateral rather than vertical, meaning the socialization process includes horizontal relationships among individuals and socializing agents which continually expand one’s political exposure and subsequent opinions. While much political socialization literature focuses on the child who is 18 years of age and younger, later variations have noted that political orientations crystallize in a “stepwise fashion” that may last well into early adulthood (Sears & Funk, 1999, p. 2). Sears and Funk (1999) refer to this as the “impressionable years variant”, which suggests that central predispositions continue to develop beyond adolescence and possibly reach asymptote at early adulthood.

The theory of political socialization, first introduced by Hyman in 1959, has received some criticism over the years (Schwartz & Schwartz, 1975). One of the major criticisms has been its focus on examining the political information and orientations of primary and secondary school students, specifically white, American, middle and working class residents of metropolitan areas (Schwartz & Schwartz, 1975). In the past 30 years, researchers have attempted to offset the alleged bias of political socialization research by incorporating research subjects with varying socioeconomic backgrounds, subcultures, and other political systems (Schwartz & Schwartz, 1975; e.g. Jaros, Hirsch

& Fleron, 1968; Greenberg, 1970a & 1970b; Abramson, 1970; Greenstein & Tarrow, 1969). Even with a change in the target population for the research, political socialization has remained, as Greenstein said in 1970, conceptually confusing. He argued that at times researchers explicitly outline their meaning of political socialization, while others rely on its ambiguity and leave its meaning to be understood from the context in which it is being used (Greenstein, 1970). He suggested that the literal meaning of political socialization is the “actual observations of [the] socialization processes, taking into account both the socialized and the agents of socialization” (p. 972).

The current research derives from a lateral political socialization approach and looks at college students who should still be within the socialization process. According to political socialization, opinions come from agents of socialization such as school, family, peers, media, and church as well as frames of reference that one acquires by group membership such as cultural, ideological and partisan viewpoints. To further illustrate how political socialization helps in the creation of hypotheses for the current research it is imperative to examine previous works that looked at the interplay between individual characteristics and political opinions.

According to Sears and Funk (1999), research on political predispositions is best studied through longitudinal research due to its ability to measure the stability of attitudes throughout one’s entire life. They note that this has rarely been attempted or accomplished, so other methods may also be appropriate. The current research does not take a longitudinal approach and is instead similar to a study conducted by Timberlake, Lock and Rasinski (2003) who used political socialization theory to explain public

preferences for drug control spending. Timberlake et al. (2003) described political socialization as “a model for public support for social policy” (p. 77).

They found that traditional “social cleavages” such as income, political ideology, party and religion did not predict support for overall spending on the drug problem (Timberlake et al., 2003). Race was the reported exception. Timberlake et al.’s study seems divergent from the current research, but the ideas are similar. Drug control spending alternatives are polar opposites – law enforcement and rehabilitation. The law enforcement alternative can be rationalized through retribution, deterrence and incapacitation, while rehabilitation represents a treatment model. One could argue that though the topic is different (drug control spending versus felon voting), the philosophical underpinnings are the same.

The current research project uses similar methodology, but focuses on other respondent characteristics that may be determinants of the punitive nature of political attitudes leading to support or opposition to felon voting restrictions. By looking at what past political science and criminal justice research has reported on these attitudes and individual characteristics, this research applies the assumptions of political socialization theory for the purpose of exploring which of these characteristics might be determinants of support for felon voting rights. The hypotheses were formed with the assumption that persons who are socialized by similar agents of socialization should share similar opinions. These relationships can be illustrated by evidence presented in the previous chapters; however, to further reiterate how socializing agents’ and their intersections

impact opinions on political issues, below the present study's respondent characteristic variables are examined based on the findings and suggestions of previous research.

### *Race/Ethnicity*

The respondents' race or ethnicity may be a determinant of attitudes toward felon voting rights. Ethnicity and related culture is passed on through one's family and is often seen as another source contributing to political opinions. Bardes & Oldendick (2003) report that public opinion can be predicted by the ethnic background or identification of the respondents. Several studies indicate a correlation between race and punishment preferences (Blumstein & Cohen, 1980; Samuel & Moulds, 1986; McCorkle, 1993; Applegate, 1997). If race has been a determinant in punitive and rehabilitative correctional ideologies, then it possibly relates to ideas regarding felon voting. Previous research has shown that Whites tend to be more punitive (Blumstein & Cohen, 1980; Samuel & Moulds, 1986) and less supportive of rehabilitation (McCorkle, 1993), which may predict a tendency for White respondents to be more favorable to restricting felon voting rights.

African-Americans appear to be more liberal and hold favorable opinions toward social welfare programs. African-Americans also overwhelmingly vote democratic, especially in presidential elections. Due to the history of oppressive ideas and policies in the U.S., African-Americans tend to view American culture as "racist and discriminatory" (Bardes & Oldendick, 2003, p. 8). These findings have important implications for the proposed research. Restriction of felon voting rights can be viewed as a policy under the larger guise of social justice. If African-Americans are more likely to

view society as discriminatory, then depending on the level of knowledge one has on the issue, the discriminatory past of restricting felon voting laws may allow for hypothesizing that African-Americans will be less supportive of restricting felon voting rights than their white counterparts. This proposition is supported by previous research that found African-Americans to be supportive of rehabilitation as the ultimate goal of the criminal justice system and to be absolutely opposed to the permanent restriction on felon voting rights (Pinaire et al, 2003).

### *Age*

Political socialization theory is inherently about age. Every aspect of the theory deals with when and how an individual's political attitudes are orientated in their life span. The impressionable years hypothesis of political socialization theory assumes that agents of socialization impact one's experiences as a child, but remains a valuable factor throughout the entire life span (Alwin & Krosnick, 1991). It also holds that attitudes strengthen with age and remain very flexible into young adulthood. Once young adulthood is surpassed, the attitudes developed remain very stable. Socialization into the political process occurs approximately as one reaches voting age (Bean, 2005). At this time, the development of political attitudes is impacted by noteworthy political topics of the time and the shape of the political landscape (Bean, 2005). Since the cohort of young adults is simultaneously being socialized, then it is plausible to believe that they will share a set of political attitudes reflective of the time period in which they were socialized (Bean, 2005).

Political scientists have reportedly found it difficult to conceptualize the actual role of age on political behavior (Watts, 1999). The difficulty apparently lies in determining whether the strong correlation with age and political behavior is a result of life cycle effects on political maturation or differences between age cohorts and political generations (Bean, 2005). To date, this appears to still be an issue with political science research. The fact of the matter is that age is highly correlated with political behavior including participation, party identification and opinions. As it relates to this dissertation, the literature revealed a consistent and significant finding from research assessing attitudes towards rehabilitation. Younger respondents appear to hold more positive views toward rehabilitation (McCorkle, 1993; Singh & Jayewardene, 1978; Warr & Stafford, 1984; Applegate, 1997).

### *Classification*

Similar to previous research findings about the effect of college major, differences in opinions may be impacted by a respondent's classification. Several studies have reported a positive correlation between educational attainment and liberalism (Hyman & Wright, 1978; Hyman, Reed & Wright, 1975; Lipset, 1981). The impact of college on political attitudes was also reported by Guller (1972) who described a "college effect" as "the difference in attitudes between college freshmen and seniors (Farnworth et al, 1998)." Farnworth et al (1998) operated from this premise in their study of attitudes towards criminal justice where they found that college seniors were less punitive in their views toward criminal justice than college freshman, particularly as it relates to questions concerning capital punishment (Lambert & Clark, 2004).



### *Sex*

Gender identification can be considered another demographic determinant of political views. This sentiment is supported by observations of voting behavior that shows a gender gap within the electorate (Bardes & Oldendick, 2003; Sapiro, 2001). The gender gap is defined as “aggregate differences in party identification” (Trevor, 1999, p.63) There is evidence that women now vote more reliably Democratic than men, a fact that becomes more and more apparent with each election (Roper Center, 1996; Trevor, 1999). Trevor reported that factors contributing to the gender gap mirror those that affect voting: “differences in patterns of issue support, degree of issue voting, and differences in socioeconomic status between the two groups” (Trevor, 1999, p. 62).

The existence of a gender gap in public opinion has been researched and recognized now for over sixty years (Applegate et al., 2002). Specifically, the gender gap appears to be prevalent in elections and social policy issues (Borquez, Goldenberg & Kahn, 1988). Applegate et al (2002) reported that women show more support for “social welfare, equal rights for homosexuals” (Peterson & Donnenwerth, 1998; Studlar et al., 1998), education, healthcare, and the environment (Shapiro & Mahajan, 1986; Steger & Witt, 1989). Generally, women seem to be more empathetic and tend to be more worried about the welfare of the “socially disadvantaged” than men (Applegate et al., 2002, p, 90).

Gilligan (1977) attributed gender differences to the divergence of their moral reasoning. She proposed that men function from an “ethic of justice,” while women operate under an “ethic of care.” The “ethic of justice” is founded on the ethical

principles of right and wrong (Gilligan, 1982). The “ethic of care” derives from “an understanding of the interconnectedness of human relationships and a desire to minimize harm to oneself, to others, and to the relationships between individuals” (Gilligan, 1982; Applegate et al., 2002, p. 90).

Gender has also been a variable of consideration in many criminal justice studies. However, gender rarely arises as the central concern of studies on “crime policies, punishment and offender rehabilitation” (Applegate et al., 2002). Based on evidence of the gender gap and Gilligan’s propositions, Applegate et al (2002) predicted that women would show their empathy toward offenders and demonstrate a tendency to support rehabilitative initiatives. In regard to harm reduction, women are more likely to seek policy solutions that focus less on punitiveness and more on restoration and the building of social institutions (Applegate et al., 2002).

#### *College Major*

College major has also been previously studied as a determinant for punitiveness. According to Farnworth, Longmire and West (1998), there has been only a small amount of research examining “attitudes and knowledge of criminal justice majors with students majoring in other subjects” (Lambert & Clark, 2004, p. 54). Past research found that criminal justice majors are more knowledgeable of criminal justice issues and less punitive than non-criminal justice majors (Tsoudis, 2000). This difference is said to occur because criminal justice students are recipients of research-based information (Tsoudis, 2000), whereas other students obtain their information in a similar manner as the general public – through the media (Tsoudis, 2000; Surette, 1984, 1994; Garofalo, 1991).

Criminal justice students' status as future criminal justice personnel provides unique information for the future of crime-related policy. They are expected to have a deeper concern for crime-related issues and better access to accurate information about their field of study (Farnworth et al, 1998). This "college effect" usually appears as a philosophical shift toward more "liberal, global perspectives regarding society and its members" (Astin, 1977; Hensley, Tewksbury, Miller, & Koscheski, 2002; Farnworth et al., 1998, p. 40). Guller (1972) suggested that the college effect on criminal justice students should result in less punitiveness in attitudes towards criminal punishment (Farnworth et al., 1998).

In addition, there is empirical evidence that shows that the "liberalizing effect" of higher education differs based on students' majors (Farnworth et al., 1998; Astin, 1977). Astin (1977) found that liberal arts program wielded a more robust liberalizing effect than professional or science curricula.

### *Income*

Household income is indicative of the "class" one would be placed in. According to Kinder and Winter (2001), for African-Americans, education and income appear to be positively associated with more conservative views. As such, it is expected that as education and income increase and reach more equal status with Whites, then the opinions of African-Americans will be more closely aligned with Whites and reflect a more conservative ideology. This has implications for the current study population because as reflected in a University of California at Los Angeles survey - 32.8% of students attending black colleges reported an annual parental income of under \$25,000

(“Freshman at Black Colleges”, 2002). The survey also showed that only 9.6 % of freshman attending black colleges reported an annual parental income above \$100,000 (“Freshman at Black Colleges”, 2002). This suggests that based on income the opinions of black college students should be more liberal and thus likely supportive of felon voting rights.

### *Political Preference*

To determine the potential impact a respondent’s party affiliation may have on their views toward felon voting rights, the variable “political preference” was included in the current study. Political preference reflects the strength of alliance with the political party as well as the party in which the respondent most aligns with. Traditionally, identification with a political party is believed to occur at an early age as a result of parental influence (Franklin, 1984). Party affiliation can provide insight into public opinion toward issues of concern. Weisberg (1980) defined party identification as a “standing decision” to align with a particular political party (Bardes & Oldendick, 2003). This decision could have been made as far back as childhood and is considered a “psychological identification” because tangible support of the party (i.e. voting) are not required (Bardes & Oldendick, 2003, 108).

The Harvard University Institute of Politics took a more general look at college students and conducted a political personality survey, which revealed that college students were more likely to align themselves with the Democratic Party than the Republican Party. However, the majority of respondents actually identified themselves as Independents (Harvard University, 2004). The poll found that the students classified as

Independent found party identification undesirable and felt it was best to approach an election without preconceived notions related to party affiliation (Harvard University, 2004).

Party affiliation is a related but separate idea from political ideology; however, since the two are so intertwined, research on the political ideology of HBCU students can provide some useful insight into the way in which they may perceive felon voting rights. In the 1980s and 1990s freshman students at black colleges reported more conservative ideas (“Freshman at Black Colleges”, 2002). In 2000, a study conducted at UCLA suggested that freshman at black colleges were becoming more conservative, while two years later the same study revealed that first year students at black colleges appeared to be developing more liberal views (“Freshman at Black Colleges, 2000; 2002).

Political preferences seem to be at the heart of exploring public opinion based on political socialization theory. A common thread throughout the review of literature found that political preference is arguably the link between other socializing agents and political opinions. For instance, women are more likely to vote Democratic and support rehabilitative policies. African-Americans are more likely to vote Democratic and support rehabilitative policies. Younger people are likely to be more liberal and support rehabilitative policies. Students are reportedly Independent, but college is a “liberalizing” activity, so students are more likely to support rehabilitative policies. Reiman (2005) reported that the “same ethnic and economic factors that make one a more likely subject of criminal justice sanctions make one more likely to vote Democratic” (Reiman, 2005, p. 5). Since felon voting rights derive from a rehabilitative correctional philosophy, it is

possible to infer that the socializing agents that represent more Democratic and liberal ideals will be more supportive of either the enfranchisement or reenfranchisement of convicted felons.

The above review of the literature on political socialization defines key variables that will be used in this study. The different agents of socialization can be important in socializing an individual into a specific political perspective. The above variables were selected based on a review of literature and those variables that are relevant to the study at hand. However, other variables will also be considered. Frames of reference variables - respondent correctional experience, level of knowledge, attitudes towards rehabilitation, opinions towards the restoration of ex-offender voting rights, and opinions towards the retention of current offender voting rights - may all have an impact on the predictive effects of the agents of socialization variables.

#### *Correctional Experience*

Previously cited research (see pages 71-79) indicated that convicted felons are more likely to support the restoration and oppose the restriction of felon voting rights. Uggen and Manza (2002) reported that incarcerated felons felt felon voting restrictions should only be applicable to criminal convictions related to voting. Steinmetz (2003) found that incarcerated female felons overwhelmingly believed that ex-felons should regain their right to vote. She also reported that participants in her study strongly supported the economic citizenship argument, which posits that, regardless of incarceration, those who are employed and pay taxes should be able to vote (Steinmetz, 2003). Wahler (2006) found that some parolees in her study argued that permanent

disenfranchisement might be justified for certain crimes, but none agreed that it would be fair for all criminal offenses. Cardinale's (2005) study revealed the opinions of ex-felons toward felon disenfranchisement and discovered resentment toward felon voting restrictions.

### *Level of Knowledge*

Research shows that level of knowledge does not necessarily inhibit the development opinions; however, for a project which seeks to expose the gaps in public education, it is important to examine the amount of information held by respondents. Hensley et al (2002) suggests "to fully examine college students' attitudes towards crime and punishment, it is important to also assess their knowledge on the topic" (p. 305). Several studies support this statement. As it relates to death penalty research, knowledge has been used as an "experimental stimuli" and found to influence opinion of respondents (Bohm, 1989; Bohm and Aveni, 1985; Bohm, Clark & Aveni, 1990). Previous research completed by ACLU-KY found that employees at the Kentucky county clerks and board of elections lacked knowledge of Kentucky's disenfranchisement policies (Keener & Kruessel, 2005). They also reported that Kentucky probation and parole officers also displayed insufficient knowledge of the state's reenfranchisement procedures (Keener & Kruessel, 2005).

Other studies have reported on the lack of knowledge possessed by convicted felons regarding their eligibility to vote. Studies have found that a considerable number of incarcerated male felons (Uggen and Manza, 2002), homeless ex-felons (Cardinale, 2004), incarcerated female felons (Steinmetz, 2003), and parolees (Wahler, 2006) are

misformed about their voting eligibility. Though the population of the abovementioned studies was considerable different from this population under study, arguably, if officials who provide information to felons or felons who are directly impacted by the lack of knowledge are not informed on the state's disenfranchisement policies, then it seems likely that members of the general public would also lack knowledge of these policies.

Pinaire et al (2003) suggested that increased awareness of the issues related to felon disenfranchisement would “encourage even more rigorous scrutiny of state legislation that permanently revokes the voting rights of convicted felons” (p. 1545). They also suggested that more research and publicity of the issue would cause opinions to fall on partisan lines.

#### *Attitudes towards Rehabilitation*

A detailed discussion on the existing literature on attitudes towards rehabilitation was previously presented (see pp. 59-74); however, it is relevant to restate and further exam why and how these attitudes might be related to opinions towards the restoration and retention of felon voting rights. Research shows that the American public may possess a “hybrid” correctional philosophy that combines elements of punitiveness and rehabilitation (Johnson, 1994; Tonry, 1998). Other research shows that punitiveness and rehabilitation may be considered as extremes on the continuum of correctional philosophies (Applegate, 1997).

The empirical relationship between correctional philosophies and opinions towards felon voting rights is not evident through a review of related literature; however, some studies have reported opinions about this relationship. Steinmetz (2003) reported



that her participants suggested that a contradiction exists between a rehabilitative correctional philosophy and felony disenfranchisement. Pinaire et al (2003) found the majority of their respondents to favor rehabilitation as the goal of the criminal justice system. Furthermore, they found that this support fell along political party lines with Democratic respondents being more likely to favor rehabilitation and Republicans supporting punishment as the goal of the criminal justice system. The same respondents held favorable opinions towards the restoration of ex-felon voting rights. Though the two independent findings – support for rehabilitation and support for restoration – may contribute to understanding the association between the two variables, the study did not report their direct effects or any joint effects between political preference and rehabilitative attitudes on support for felony disenfranchisement.

#### *Opinions towards Felon Voting Rights*

The restoration and retention of voting rights deals with the citizenship rights of offenders who have served their entire sentence or are still under correctional supervision, respectively. The only literature that remotely discusses the relationships of support for restoration or retention and other variables was the Pinaire et al study mentioned above. They found considerable subgroup differences regarding the goal of the criminal justice system, felons returning as full citizens, rights of convicted felons, and revocation of voting rights. For the variables dealing with the goal of the criminal justice system, they found subgroup differences between racial and party affiliation categories. As stated above, African-Americans and Democrats were more rehabilitative than Whites and Republicans. They found that race had a significant subgroup difference

as it relates to opinions towards felons returning to society as full citizens. African-Americans displayed the highest levels of support for ex-felon full citizenship with White respondents being evenly divided between those in agreement and disagreement. In a related question, their respondents differed among subgroups of race, gender, party and educational level for opinions towards the rights of convicted felons. African-Americans, females, Democrats and individuals whose educational level was a college degree and above were more likely to believe that felons possess “about the correct amount of rights” (Pinaire et al, 2003). For opinions towards the revocation of voting rights, party showed distinct subgroup differences. Republicans and Independents were more likely to support revocation during “incarceration and parole and probation” (p. 1540). Republicans also showed the highest level of support for lifetime disenfranchisement.

In summary, many overlapping ideas were presented above. For instance, when discussing the role of gender and socialization, the idea that gender affects political preferences is suggested. On one hand, research shows that females tend to be more Democratic and more supportive of rehabilitation as a correctional philosophy. On the other hand, research suggests that Democrats and those who are more rehabilitative should be more supportive of felon voting rights. As such one could expect that females, since they are more Democratic and supportive of rehabilitation, should be more supportive of felon voting rights. This line of reasoning guided the formation of hypotheses and the exploration of joint effects among the variables, such as a moderating relationship between sex and rehabilitative attitudes. The selection of the agents of socialization and frames of reference variables under study consider that “no one fits into

any one category...everyone exists in the intersection of many categories that shape not only their view of the world and the actions they take but other people's view of them (Barak, Flavin, & Leighton, 2001, p. 189; see Wildman [1996] 1997). To further explore these intersections, Barak et al (2001) suggest that it may be difficult to measure these intersections quantitatively, but limitations imposed by quantitative analysis may be attended to through the use of interaction terms. The next section presents the manner in which the research is conceptualized by explaining the research models used for this study, including conceptual frameworks for both main and interaction effects.

### Explanation of the Model

Figures 1 and 2 provide conceptual models for the current research. Figure 1 displays the main effects between selected independent variables and the selected dependent variable. According to the Figure 1, the independent variables will be predictive of opinions toward levels of knowledge, opinions towards restoration and retention as well as opinions towards the voting rights for different correctional statuses and types of offenders (dependent variables). The independent variables are not specified in the conceptual model because they may include the various agents of socialization as well as any constitutive variables for interaction terms. For the purpose of this research, political socialization will be operationalized with the following agents of socialization: age, gender, race, income, major, classification, and political preference, as well as frames of reference: correctional status, attitudes towards rehabilitation, opinions towards the restoration of ex-felon voting rights, and opinions towards the retention of voting

rights for those under correctional supervision. Figure 1 also reflects interactive effects on the dependent variables. The model uses a path diagram approach in order to show that there should be a direct path between the agents of socialization variables and the felon voting dependent variables (Paths *a* through *d*) as well as moderating effects of the frames of reference variables (Paths *e* through *j*).

The models display expected relationships inferred from the literature review. African-Americans, younger people, women, criminal justice majors, upper level students, lower income and respondents currently in the criminal justice system are expected to be more supportive of restoring ex-felon voting rights and the retention of current felon voting rights. Independently, higher levels of knowledge, rehabilitative opinions, and favorable restoration and retention opinions are expected to strengthen the predictive power of the agents of socialization on the various felon voting rights variables.

Figure 2 presents a conceptual model for the interaction effects that may exist between the agents of socialization and frames of reference variables and the selected dependent variable. The conceptual framework for this dissertation is a moderator approach and is appropriate here because each are illustrations used often in social psychology research (Baron & Kenny, 1986) - the theoretical paradigm in which political socialization theory falls under. A moderator model requires “the causal relation between two variables changes as a function of the moderator variable” (Baron & Kenny, 1986, p.1174). This approach also requires that the theorist identify a moderator variable and a focal independent variable (Jaccard, 2001).

Figure 2 is reflective of the path diagram suggested in Hayduk and Wonnacut's (1980) article "Effect equations or effect coefficients: A note on the visual and verbal presentation of multiple regression interactions." They illustrate the effect equation in the following manner:

$$Y = b_0 + b_1X_1 + b_2X_2 + b_3X_1X_2$$

The equation illustrates a regression model that includes two constitutive variables ( $X_1$  and  $X_2$ ) and the multiplicative term ( $X_1X_2$ ). The focus represented by the equation is how  $Y$  responds to changes in  $X_1$  and  $X_2$ . If the interaction term was omitted from the model, then the impact of  $X$  on  $Y$  would be the regression coefficient  $b_1$ ; however, since a multiplicative term is included, the effect becomes more complicated. Instead, the focus now shifts to how the impact of  $X_1$  on  $Y$  is  $b_1$  augmented by  $b_3$  multiplied by the current value of  $X_2$ . Jaccard (2001) stated that "for an interactive logistic model with two quantitative predictors,  $X$  and  $Z$ , and a product term  $XZ$ , the exponent of the logistic coefficient for  $X$  equals a multiplicative factor by which the predicted odds change given a 1 unit increase in  $X$  when  $Z$  equals 0" (p. 14).

According to Hayduk and Wonnacut (1980), the omission of a path diagram to show an interaction effect hinders the presentation of the results. It is not uncommon for a researcher to provide a conceptual path model in the theory building stage of the research, and then show the same model with the accompanying coefficients after data analysis is completed.

Figure 1. Conceptual Framework for Main and Moderator Effects

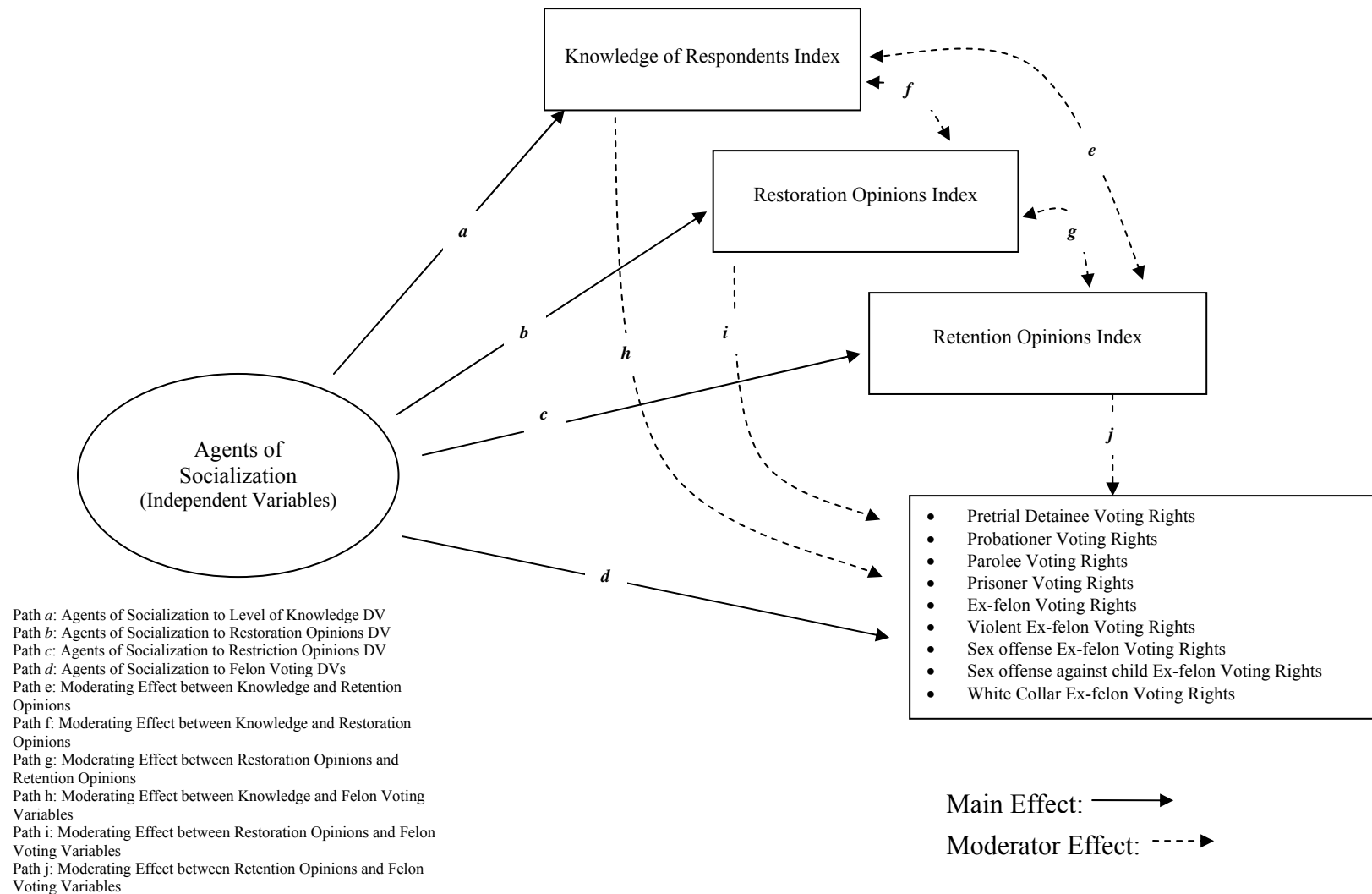
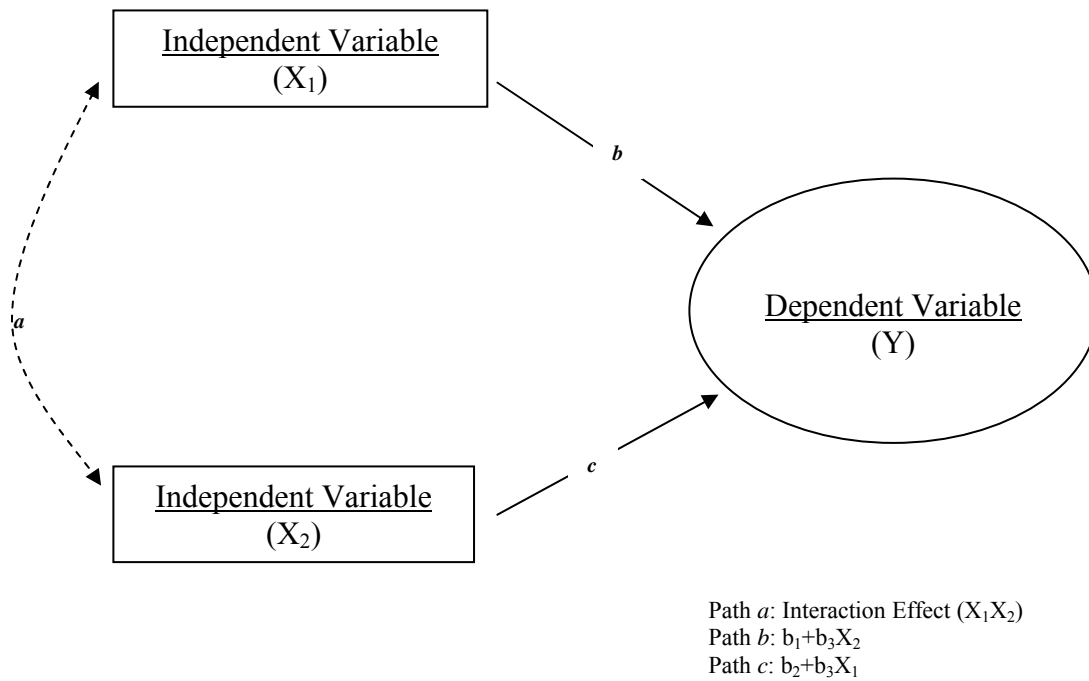


Figure 2. Conceptual Framework for Interaction Effects



### Research Questions and Hypotheses

This study seeks to address the following research questions:

1. How do the agents of socialization and frames of reference of students attending a Kentucky college determine their level of knowledge about the state's voting rights policy?
2. What agents of socialization and frames of reference determine whether or not students attending a Kentucky college believe felons should be accorded voting rights upon completion of their punishment?
3. What agents of socialization and frames of reference determine whether or not students attending a Kentucky college believe felons should retain voting rights while still under correctional supervision?
4. How do Kentucky college students' agents of socialization and frames of reference interact to affect their opinions about felon voting rights?

Exploratory studies generally yield more hypotheses than they prove. This study hopes to reveal general information about opinions toward felon voting in the Commonwealth of Kentucky. As the first study of its kind in the Commonwealth, there is not much literature that can contribute to the development of hypotheses; however, based on the previous



criminal justice, political socialization, and public policy research outlined in the literature, the hypotheses are listed below:

H<sub>1</sub>: Criminal justice/social science majors OR older students will be significantly more knowledgeable about Kentucky's felon voting laws.

H<sub>2</sub>: The predictive effect of college major or age on knowledge about Kentucky's felon voting laws will be significantly moderated by attitudes towards rehabilitation and restoration opinions.

H<sub>3</sub>: African-Americans, younger students, females, criminal justice/social science majors, lower income students, or individuals with experience in the criminal justice system will show significantly more support towards the restoration of ex-felon voting rights.

H<sub>4</sub>: African-Americans, younger students, females, criminal justice/social science majors, lower income students, OR individuals with experience in the criminal justice system will show significantly more support towards the retention of felon voting rights.

H<sub>5</sub>: The predictive effect of demographic variables (age, gender, etc.) towards the restoration of voting rights for ex-felons who have completed their sentences will be significantly moderated by level of knowledge, attitudes towards rehabilitation, or retention opinions.

H<sub>6</sub>: The predictive effect of demographic variables (age, gender, etc.) on opinions towards the retention of voting rights for individuals under correctional supervision will be significantly moderated by level of knowledge, attitudes towards rehabilitation, or restoration opinions.

This chapter provided the theoretical basis for this dissertation though exploring the existing literature on the intersection of public opinion and criminal justice related areas. In addition, political socialization was identified as the theory used to weave the literature into the research questions and hypotheses. Based on the literature, expected relationships between variables were suggested. The following chapter details the methods used to collect the data, provides a description of the sample, and explains the measures used to examine the opinions of college students toward felon voting rights.

## **CHAPTER 4**

### **Methods**

This chapter explains the methods used in this dissertation to examine the opinions of college students towards the voting rights of convicted felons. First, the sampling frame section describes the population under study and provides a rationale for the importance of exploring the opinions of college students. Second, the sample is described based on its characteristics and distributions. Finally, the development of the survey instrument is discussed including the measures used, the construction of scales, and the transformation and coding of the variables.

#### **Sampling Frame**

##### *Population*

The study population consisted of college students enrolled in courses at a public post -secondary institution in the Commonwealth of Kentucky. The chosen institution, Kentucky State University (KSU), is classified as a Historically Black College and University (HBCU) and is considered the most culturally diverse higher education institution in the state. Founded in 1886, it was originally a normal school created to educate black teachers. Today KSU boasts 35 academic programs and has an approximate enrollment of 2,335 students.

The use of college students as subjects in criminal justice research is a relatively recent trend; however, in recent times using them has been considered a credible method in

criminal justice. To illustrate, college students have participated in a variety of criminal justice research: collateral consequences (Heuman et al., 2005); capital punishment (Firmement & Geiselman, 1997; Lambert & Clark, 2004), punitiveness (Lane, 1997; Farnworth et al, 1998); correctional issues (Hensley et al, 2002); inmate programs (Hensley, Koscheski, Tewksbury, 2003); electronic monitoring (Paine & Gainey, 1999); and sentencing (Miller et al, 1991).

The selection or preference for this population is supported by two rationales. First, a great number of research studies in criminal justice are conducted by university faculty members who have instant access to the student population at their respective institutions. This access may allow for students to participate in many ways other than as research subjects – they may be trained to administer the survey, to recruit others participants, enter data and assist in analyzing the data and interpreting the results. Second, as Newton (1989; 90-91, 93) stated, education should create “social critics” who “analyze social problems” which should result in directing “necessary changes in... society for the common good” (Farnworth et al., 1998, p. 40).

### *Sample*

A nonrandom, convenience sampling method was used to acquire a sample of 218 students. Convenience samples are appropriate when research strives to explore attitudes, but not seek to generalize the results. Since no other studies of this kind have been attempted in Kentucky, the inability to generalize may open the door for future, more representative research along these lines. The sample derived from students enrolled in a variety of courses offered in the Spring 2006 semester by Kentucky State University.

Table 3 provides the demographic characteristics of the students who participated in the study. Based on the univariate analysis, the sample age ranged from 17 years to 52 years, with a median age of 22 years. Once dummy coded, approximately 79% of respondents were under 25 years of age while 21 percent were 25 or older. Seventy-four percent of the respondents were African-American (n=161), nineteen percent White (n=41), seven percent Other (n=15), and .5 percent Hispanic (n=1). The sample was basically split by sex with 52% female and 48% male respondents. Approximately 30 different majors are represented in the sample. For academic major, approximately twenty-six percent fell under criminal justice; 29.4 percent social science; 11.5 percent business; 9.8% education; 9.2% science and technology; 3.7% undecided; and 2.8% liberal studies. Once dummy coded, approximately 56% of respondents were criminal justice or social science majors, while the remaining 45.5% majored in other areas. Most of the respondents were reportedly federal Pell Grant recipients (64%), which indicates financial need. Democrats comprised of 64% of the sample with Independents and Republicans making up 21% and 5.5% respectively. The majority of the sample indicated no recent personal interaction with the criminal justice system (87%).

According to the KSU website ([www.kysu.edu](http://www.kysu.edu)), the student population is approximately 56% female and 43% male. For race, sixty-three percent of KSU students are African-American, while approximately 36% are White. For income, KSU reports that 83.5% of the Fall 2005 enrollment received financial aid with a the school receiving \$3,274,408 in federal Pell Grant funds. The website does not report any other demographic

statistics. Although the sample in the study was a convenience sample, the available information suggests that the sample for this study was similar to that of KSU.

Table 3: Variables, Codes and Distributions of the Sample (n=218)

<i>Variable</i>	<i>Code</i>	<i>N</i>	<i>%</i>
<i>Independent Variables</i>			
AgeRecode2 <sup>a</sup>	1 = 22 thru 25	72	33.0
	2 = 26 and older	39	17.9
RaceRecode	0 = Non-African-American	161	73.9
	1 = African-American	57	26.1
Sex	0 = Male	105	48.2
	1 = Female	113	51.8
MajorDummyCode <sup>b</sup>	0 = Other	97	44.5
	1 = Criminal Justice/Social Sciences	121	55.5
Classification	0 = Freshman	70	32.1
	1 = Sophomore	33	15.1
	2 = Junior	31	14.2
	3 = Senior	50	22.9
	4 = Graduate Student	34	15.6
Income	0 = Pell Grant Non-recipient	75	34.4
	1 = Pell Grant Recipient	143	65.6
Political Preference <sup>c</sup>	1 = Independent	64	29.4
	2 = Republican	12	5.5
Correctional Status	0 = Not currently	190	87.2
	1 = Yes, currently/recently	28	12.8
<i>Dependent Variables</i>			
DetVote	0 = no, should not vote	35	16.1
	1 = yes, should vote	183	83.9
ProbVote	0 = no, should not vote	44	20.2
	1 = yes, should vote	174	79.8
ParVote	0 = no, should not vote	46	21.1
	1 = yes, should vote	172	78.9
PrisVote	0 = no, should not vote	130	59.6
	1 = yes, should vote	88	40.4
ExFelVote	0 = no, should not vote	23	10.6
	1 = yes, should vote	195	89.4
ViolExFelVote	0 = no, should not vote	45	20.6
	1 = yes, should vote	173	79.4
SexExFelVote	0 = no, should not vote	71	32.6
	1 = yes, should vote	147	67.4
SexChildVote	0 = no, should not vote	97	44.5
	1 = yes, should vote	121	55.5
WhiteColVote	0 = no, should not vote	47	21.6
	1 = yes, should vote	117	78.4
<i>Indices<sup>d</sup></i>			
Kwindex	Level of Knowledge	<i>M</i> =3.669 <i>SD</i> =2.547 <i>Range</i> =0-9	
	Attitude toward Rehabilitation	<i>M</i> =17.289 <i>SD</i> =2.549 <i>Range</i> =5-20	
Opindexresto	Attitude toward Restoration	<i>M</i> = 2.8030 <i>SD</i> = 1.104 <i>Range</i> = 0-4	
	Attitude toward Retention	<i>M</i> = 2.908 <i>SD</i> = 1.248 <i>Range</i> = 0-4	

- a. Dummy variable, reference category – 17 thru 21 (n = 107)
- b. Other consists of education, science & technology, business administration, liberal studies, undeclared and undecided majors.
- c. Dummy variable, reference category – Democrat (n = 142)
- d. KWinex is also an outcome variable for RQ1.

### Data Collection Procedure

Survey research provides the best design for research questions concerning an individual's "self reported beliefs or behaviors" (Neuman, 2003, p. 264). As such, survey research was used to collect data for this study. A questionnaire was administered in classes with hopes of obtaining an adequate sample of the Kentucky State University student population. Neuman (2003) suggested six categories of question types best for survey research: behavior, attitudes/beliefs/opinions, characteristics, expectations, self-classification and knowledge. For the proposed research, three of these question types were be used. First, assessing attitudes/beliefs/opinions was the ultimate goal of the research. The dependent variables, restricting felon voting rights and restoring felon voting rights, are based on how respondents feel about the issues presented. Second, the respondent's characteristics are used to decipher any determinants of certain opinions. Finally, the respondent's knowledge of felon voting rights was collected to discern how much is known about the topic or the level awareness this segment of the Kentucky public has on felon voting laws.

### Distribution of the Questionnaire

The surveys were disseminated during designated class times. Contact in the form of electronic mail, office visits and phone calls were made with the instructor for each course in order to request assistance in this project. Once permission was granted, the

researcher scheduled class visits based on what was convenient for the course instructor. Prior to the administration of the survey, approval was sought and granted by the KSU Human Subjects Review Board as well as Virginia Commonwealth University's Institutional Review Board. Due to the subject matter, confidentiality, and low risk of harm, an expedited review was requested. According to both KSU and VCU's policies, this study appeared to fit in the expedited review guidelines. The study received final IRB approval from VCU on April 12, 2006 (Appendix A).

Upon IRB approval, a packet was prepared for each surveyed class, which included the survey instrument (see Appendix B). The Student Information System – WIRED- was used to determine the number of students enrolled in each course so each packet could include the approximate number of surveys for the amount of students enrolled in the course (see Appendix C). The packet also included a consent form explaining the purpose of the survey (Appendix D). During the dissemination of the survey, respondents only completed one survey instrument. KSU is a relatively small university and many students take courses across disciplines. Prior to distributing the survey, the researcher requested that any student who previously completed the survey refrain from participation. Due to the small class sizes, it was not difficult to discern which students were in previously surveyed classes. The researcher also had access to the student information system, which was used to print out class rosters to look for overlapping names prior to administering the survey. There was not evidence of a lot of overlap and students voluntarily informed the researcher if they had already participated in the survey. The questionnaire was



administered during the beginning of class and immediately collected. The survey took approximately 10 minutes to complete and only one student declined to take it.

### Measures

The measures selected for this research are as follows: agents of socialization, frames of reference, retention felon voting opinions and restoration felon voting opinions. This section will briefly explain why these measures were selected and how they were used in the instrument.

### *Variables*

#### *Agents of Socialization*

Political socialization theory purports that political attitudes are developed through a socialization process by which one learns these attitudes from socializing agents. These agents can be defined based on one's preferences. For the purpose of this research, agents of socialization will refer to the demographic variables age, race, sex, income and political preference. These measures were detailed in the Theoretical Framework discussion. An explanation of their coding is provided below in the Data Transformation discussion.

#### *Frames of Reference*

Often used interchangeably with the term "agents of socialization," frames of reference are said to influence the development of political attitudes as well. For this dissertation, frames of reference measures are differentiated from agents of socialization and include any experiences, knowledge, attitudes or opinions that might impact a respondent's ultimate decision to support or oppose felon voting rights. Frames of reference are measured by the following variables: respondent correctional status, level of

knowledge, attitude towards rehabilitation, and general restoration and retention opinions. Depending on the question being addressed, the frames of reference variables might serve as an independent variable in one model, while serving as the moderator or dependent variable in another.

### *Index Variables*

The index variables are explained below and the construction of the scales can be found in Appendix E.

*Rehabilitative Attitudes Index.* This measure was examined with the index Taxman (2006) used to understand “how people feel about those who commit crimes.” For this dissertation, attitude toward offenders was used in the interaction terms. A five point Likert scale provides response options ranging from “strongly disagree” (0) to “strongly agree” (1). The index measures whether the respondent supports a rehabilitative or punitive goal of sanctioning criminal offenders ( $M=17.29$ ,  $SD= 2.55$ ,  $p= .812$ ).

*Knowledge of Knowledge Index.* Knowledge was also used as an interaction and a dependent variable. Information on the level of knowledge of Kentucky felon voting policies will contribute to an understanding of how “shapeless” Kentucky college students’ opinions may be. The knowledge questions were based either on demonstrating correct information regarding restricting or restoring felon voting rights in Kentucky. The response categories were originally coded as follows: 0=No, 1=Yes, and 2=Don’t Know. To make the interpretation easier, the knowledge questions were constructed into an index which scored responses as 0=Incorrect and 1=Correct. The scale ranged from 0 to 9 with a mean score =3.67, standard deviation = 2.55, and  $p = .882$ .

*Restoration Index.* The scale had a reliability score of .561, with a mean restoration opinion of 2.83 and a standard deviation of 1.10.

*Retention Index.* The scale had a reliability score of .706, with the mean retention opinion of 2.90 and standard deviation of 1.25.

#### *Disaggregated Felon Category Variables*

The following dependent variables were measured through the use of vignettes, which focus on the impact of offender key characteristics. This study uses wording experiments developed by Manza et al (2004) to assess attitudes toward felon voting rights based on two conditions: correctional status and type of offense. Following the wording experiment, respondents were asked to select whether or not they believe the particular offender should retain the right to vote.

#### *Retention Opinions – Offender Correctional Status Items*

These variables attempt to grasp the conditions by which respondents will either favor or disapprove of felons retaining the right to vote. Since in Kentucky all convicted felons are prohibited from voting, then any support for felon voting among varying correctional statuses will be contrary to the current policy. In the same sense, any disapproval of felon voting rights among correctional statuses will indicate that Kentucky's policy is in line with the opinion of a this segment of the Kentucky public. Four items represent the various correctional statuses available to offenders: pretrial detainee, probationer; parolee and prisoner. Pretrial detainee will be an added item in order to assess public support for the section of Kentucky law stating "Persons who, at the time of the

election, are in confinement under the judgment of a court for some penal offense” are prohibited from voting (Sect. 145.2). The response categories for each question were coded as: 0=No and 1=Yes.

#### *Restoration Opinions -Type of Offense*

Kentucky law does not specifically outline which convicted felons are eligible for restoration of citizenship rights. This decision is left up to the discretion of the governor. Currently, Governor Fletcher’s office has stated that no murderers or child molesters will be granted restoration of their civil rights. It is apparent in the current restoration process that an offender’s offense plays a role in the decision to restore a felon’s civil rights in the Commonwealth. “Type of offense” items indicate the level of support a respondent has for restoring the voting rights of specific offenders. Five items will be used to assess these opinions. The first four derive from the Manza et al (2004) study: baseline ex-felon, white-collar ex-felon, violent crime ex-felon and sex crime ex-felon. The fifth item – child sex crime ex-felon – will be added to tap into the public’s approval or disapproval of the Governor’s Office’s current practice. The response categories for each question were coded as: 0=No and 1=Yes.

#### *Data Preparation*

Once collected, the data was entered into SPSS. Following data entry, the data was “cleaned” to confirm the numerical codes legitimately matched the values of the variables being studied (Meyers, Gamst, & Guarina, 2006). The data cleaning process included running frequency distributions to check for codes outside of the possible values. Several

coding errors were detected and subsequently fixed. Once fixed, none of the coding errors had a major impact on the data analysis.

### Data Transformation

Prior to analysis of the data, the descriptive statistics and distribution of each variable were evaluated on the basis of variability, measures of central tendency and skewness. Only two variables showed symmetry problems – age and race. Both variables were recoded, age was changed from a continuous variable to a categorical variable and race was dummy coded into “African-American” and “non-African-American.” Once recoded, skewness was no longer an issue.

Using SPSS, the data was transformed to make it more appropriate for the current analysis. Both categorical and continuous variables were subject to transformation depending on their appropriateness for analysis.

First, demographic variables were observed and subsequently all but sex were recoded. Age (0 = 17-21, 1 = 22 through 25, 2=26 years old and older), race (0 = non-African-American, 1 = African-American), income (0 = Pell grant recipient, 1 = Pell grant non-recipient) college major (0= Other, 1 = CJE/SOS) and correctional status (0 = not currently, 1 = yes, currently/recently) were all dummy coded. Political preference was reduced to three categories from seven (0 = Democrat, 1= Independent, 2 = Republican) for logistic regression and dummy coded (0=non-Republican, 1=Republican).

Second, in order to more easily interpret “student knowledge of Kentucky law,” the response categories were dummy coded into “correct answer” (1) “incorrect answer” (0). The “incorrect answer” category also included “don’t know” responses. The nine

knowledge items were then compiled into an index. Based on the recodes, a score of 0-3 indicates low levels of knowledge, a score of 4-6 indicates moderate levels of knowledge and a score of 7-9 shows high levels of knowledge.

The third transformation occurred for the restoration of felon voting rights variables. Five items were combined to create the restoration index. This variable measures whether or not a respondent believes ex-felons should regain their right to vote. It combines the general ex-felon, sex offense ex-felon, sex offense against child ex-felon, and white collar ex-felon variables into one measure.

The fourth transformation dealt with the retention of felon voting rights variables. Four items were combined to create the retention index. This measure, which combines the four questions with varying correctional status – pretrial detainees, probationers, parolees and prisoners – was used to assess respondent opinions towards which class of convicted felons should be able to vote.

The final index – CJ Attitude – was computed from four attitude toward offenders questions. The questions focused on rehabilitative solutions to criminal justice issues and thus measured the level of support a respondent displayed for rehabilitation. The measure only includes rehabilitation questions because previous research has shown an inverse relationship between rehabilitative attitudes and punitive attitudes.

The abovementioned scales were checked for reliability using Cronbach's Alpha, which according to (Santos, 1999):

..is an index of reliability associated with the variation accounted for by the true score of the "underlying construct." The construct is the hypothetical variable that is being measured (Hatcher, 1994). Alpha coefficient ranges in value from 0 to 1

and may be used to describe the reliability of factors extracted from dichotomous (that is, questions with two possible answers) and/or multi-point formatted questionnaires or scales (i.e., rating scale: 1 = poor, 5 = excellent). The higher the score, the more reliable the generated scale. Nunnally (1978) has indicated 0.7 to be an acceptable reliability coefficient but lower thresholds are sometimes used in the literature. (<http://www.joe.org/joe/1999april/index.html>).

In conclusion, this chapter detailed this dissertation's research methodology, introduced concepts and provided an explanation of how the measures were operationalized. Chapter 5 provides an explanation of the data analysis techniques used to examine college students' opinions towards felon voting rights as well as offers a presentation of the study's findings.

## **CHAPTER 5**

### **Results**

This chapter presents the rationale behind the selected data analysis techniques as well as reports the study findings. First, the univariate statistics for each research question is presented, which consists of the reporting of frequency distributions. Second, bivariate statistics were used to determine whether or not any associations existed between the variables under study. Crosstabulations and correlation coefficients results are presented to display these associations. In addition, the mean response for each attribute was generated and reported here so show the average level of knowledge, attitude towards rehabilitation, and opinions towards restoration and retention. Finally, multivariate statistics are presented that show the predictive effect of independent and moderator variables. Both multiple and logistic regression analyses results are presented. To test for joint effects among independent and moderator variables, product terms were created and included in the regression models. The indicated interaction effects are discussed.

#### **Univariate Analysis**

The initial analysis consisted of running univariate statistics to determine whether or not any of the concepts were considered as constant, therefore negating the purpose of further analysis. A frequency distribution was used to display the univariate statistics. The purpose of the frequency distribution was to illustrate “how often each response (a value) was given by the respondent to each item (a variable)” (Nardi, 2003, p. 116). This illustration is of particular use for nominal and ordinal data in showing a sketch of the



respondents. Measures of central tendency were used to determine the clustering of responses.

### *Knowledge of Kentucky Law*

For the first research question, nine items measured respondents' knowledge of current Kentucky felon voting policies. The sample appears to be overwhelmingly undereducated about the current state of felon voting rights in Kentucky. The question order was divided into groups for questions regarding restriction knowledge and items focused on restoration knowledge.

For the variable "In Kentucky, upon conviction, felony offenders lose their right to vote" only 33.5% of respondents answered correctly. This statement was false. In Kentucky, only convicted felons and incarcerated misdemeanants are ineligible to vote. Both of these restrictions are found in Section 145 of the Kentucky Constitution.

The second knowledge variable "In Kentucky, only incarcerated felons lose their right to vote" yielded only 36.7% correct answers. This statement was also false. In Kentucky, both convicted felons and incarcerated misdemeanants cannot vote. Convicted felons must apply for restoration of their civil rights, while incarcerated misdemeanants do not have the right to vote from jail. Apparently there is no formal restriction or restoration process for incarcerated misdemeanants – they simply do not meet the qualifications for absentee ballots.

For the third knowledge variable "In Kentucky, convicted felons on probation can vote" only 42.2% of respondents answered correctly. This statement was false because all convicted felons automatically lose their right to vote in Kentucky. Fifty percent of

respondents answered the fourth knowledge variable “In Kentucky, convicted felons on parole can vote” correctly. Similar to the probationer voting item, this statement was false because all convicted felons automatically lose their right to vote in Kentucky.

The final knowledge item “In Kentucky, individuals awaiting trial at the time of an election can vote in that election” was included because some suggest “de facto disenfranchisement” exists for pretrial detainees in the state of Kentucky due to lack of knowledge. For this item, 46.3% of respondents answered correctly. This statement was true. According to the Kentucky State Board of Elections, individuals who are incarcerated, but not yet convicted, are eligible to vote by absentee ballot.

The second group of questions dealt with knowledge of the Kentucky restoration process. For the first item, “In Kentucky, upon release from prison, convicted felons automatically regain their right to vote” only 47.7% of respondents answered correctly. This statement is false. Section 145 of the Kentucky Constitution grants restoration powers to the executive branch. As such, convicted felons must be granted a partial pardon by the governor before regaining their right to vote.

Following in line with the previous question, the next item asked if “In Kentucky, convicted felons need only fill out an “application for restoration of civil rights” to regain their right to vote.” Only 28.9% of respondents answered this item correctly. This statement is false due to the word “only.” The application is one of many steps to be completed in order for an ex-felon to apply for an executive pardon. In addition to the application, ex-felons must provide three character references, write an essay requesting

their rights back, have their petition reviewed by the Commonwealth's Attorney, and receive a recommendation from the Commonwealth's Attorney (Wahler, 2006).

The third restoration item "In Kentucky, convicted felons must be granted a pardon by the governor to regain their voting rights" was answered correctly by 35.8% of respondents. This statement is true and found in Section 145 of the Kentucky Constitution. The final restoration item "In Kentucky, convicted felons can never regain their right to vote" was answered correctly by 45.4% of respondents. This statement is false. Though the process has become more difficult with the current governor, it is still possible for an ex-felon to regain their right to vote.

#### *Opinions toward Felon Voting*

For the second research question concerning restoration opinions, the students' were also overwhelmingly supportive of enfranchising the ex-felons in question. For this section, respondents were asked about restoration of voting rights for various classes of ex-felons. For the generic ex-felon item approximately 89 percent felt they should have the right to vote. The next item, violent ex-felon, 79.4 percent of respondents felt ex-felons who committed violent crimes should have the right to vote. Opinions toward the enfranchisement of white collar ex-felons (78.4%) were also favorable by most respondents. As the questions moved from general to specific, support for enfranchising those who committed the arguably more taboo crimes fell. Two items measured how respondents felt about sex offenders regaining the right to vote. The first item, sex offense ex-felon, had support from approximately 67 percent of respondents. The next item, sex offense against a child, only gained the support of 55.5 percent of the respondents.

For the third research question, the student respondents seem to be supportive of enfranchising convicted felons. As it relates to retention opinions, respondents were overwhelmingly favorable toward allowing probationers (79.8%) and parolees (78.9%) the right to vote. However, opinions wavered for prisoners (40.4%). These responses seem in line with current felon voting law trends across the country. As stated previously, only 19 states grant probationers the right to vote, 14 states allow parolees to vote, and even fewer - 2 - states allow prisoners to vote (Wahler, 2006; Manza & Uggen, 2006).

Based on the univariate analysis, none of the variables have been excluded from further analysis. The next section presents the results of bivariate analysis and will determine, along with the literature review, which variables will ultimately be used in the regression models.

### Bivariate Analysis

Bivariate data analysis was used to examine if one of the independent variables is significantly associated with one of the dependent variables. Bivariate statistics measure the association between two variables at one time. This type of analysis shows if the independent variable has a significant influence over the dependent variable and if the variation of the dependent variable can be explained by the independent variable. It also serves a descriptive purpose in its ability to describe how the dependent variable changes based on the separate categories of the independent variables.

First, this section will describe the findings from crosstabulations, which were conducted for each individual knowledge variable prior to transformation into the indices, and then crosstabulations were performed on the knowledge, restoration and restriction

indices. For the individual knowledge items, the chi-square test of independence with an alpha level of .10 was used in order to partially assess the research questions. Then, the Means procedure was used to calculate subgroup means and related univariate statistics for dependent variables within categories of one or more independent variables. The F ratio was used to determine whether or not a statistically significant difference existed within the categories of the independent variable(s). Finally, a correlation matrix is presented that shows the bivariate relationships between all of the variables and verifies whether or not multicollinearity exists among the variables of interest to this study. The bivariate statistics serve as the basis for creating interaction terms used in the subsequent multiple and logistic regression models.

### *Knowledge*

For the knowledge index, the Means procedure was used to determine differences between the means of the demographic variable subgroups. Table 4 displays those results. Overwhelmingly, the survey respondents were not highly knowledgeable about felon voting rights policies in Kentucky. The mean knowledge for the entire sample was 3.67 out of high score of 9, which would be considered a low level of knowledge. A score of 4 to 5 would be considered an average level of knowledge. There was a statistically significant difference in levels of knowledge by age ( $F(2,215)= 17.578$ ;  $p=.000$ ) and major ( $F(1,216)= 33.552$ ;  $p=.000$ ). Students who were 26 years of age and older ( $M=5.07$ ) were more knowledgeable than younger students. Criminal justice/social science majors ( $M=4.50$ ) were considerably more knowledgeable than the other majors ( $M=2.63$ ). Other appreciative differences can be seen, but were not suggested by the research hypotheses.

Non-African-Americans ( $M=.393$ ,  $F(1,216)=.804$ ,  $p=.371$ ), Republicans ( $M=5.0$ ,  $F(2,215)=2.142$ ,  $p=.120$ ), Females ( $m=3.74$ ,  $F(1,216)=.197$ ,  $p=.658$ ), Pell Grant non-recipients ( $M=3.88$ ,  $F(1,216)=.264$ ,  $p=.608$ ), and those who are not or have not been under correctional supervision ( $M=3.71$ ,  $F(1,216)=.197$ ,  $p=.658$ ) scored higher on the knowledge index though these associations were not statistically significant.

Likewise, according to the correlation matrix, for knowledge, age ( $p=.000$ ) and major ( $p=.000$ ) appear to be the only agents of socialization variables that are significantly associated with knowledge.

Table 4: Means Comparison for Agents of Socialization and Frames of Reference by Knowledge

<i>Demographic Variable</i>		<i>N</i>	<i>Mean Knowledge</i>	<i>Standard Deviation</i>	<i>F</i>	<i>Sig.</i>
Age	17 thru 21	107	2.74	2.30	17.578	.000
	22 thru 25	72	4.29	2.35		
	26 and older	39	5.07	2.61		
Race	Non-African-American	57	3.93	3.02	.804	.371
	African-American	161	3.58	2.36		
Sex	Male	105	3.60	2.60	.197	.658
	Female	113	3.74	2.50		
Major	Other	97	2.63	2.29	33.552	.000
	CJE/SOS	121	4.50	2.44		
Income	Pell Grant Non-Recipient	75	3.88	2.52	.264	.608
	Pell Grant Recipient	143	3.56	2.56		
Political Preference	Democrat	142	3.7	2.45	2.142	.120
	Independent	64	3.4	2.67		
	Republican	12	5.0	2.76		
Correctional Experience	Not currently	190	3.71	2.55	.075	.784
	Yes, currently/recently	28	3.43	2.57		

### *Restoration Index*

The restoration index included questions regarding the ex-felons based on the type of offense he/she committed (See Appendix A). The mean restoration opinion for the entire sample was 2.83 out of a possible high score of 4. Table 5 shows the distribution of restoration opinions among the explanatory variables. Age ( $F(2,215)=3.732$ ,  $p=.026$ ), income ( $F(1,216)=9.371$ ,  $p=.002$ ), correctional experience ( $F(1,216)=3.228$ ,  $p=.074$ ), political preference ( $F(2,215)=3.870$ ,  $p=.022$ ), and race ( $F(1,216)=5.293$ ,  $p=.022$ ) were all statistically associated with restoration opinions. Younger respondents ( $M=2.99$ ) scored higher than older students ( $M=2.44$ ) on the restoration index. Pell grant recipients ( $M=2.99$ ) demonstrated more support of restoration as well as individuals who were reportedly under some correctional supervision ( $M=2.44$ ). Democrats ( $M=2.96$ ) were more supportive of restoration of felon voting rights than Independents ( $M=2.67$ ) and Republicans ( $M=2.17$ ). African-American respondents ( $M=2.93$ ) were more supportive of restoration than non-African-American respondents ( $M=2.54$ ).

Though the following variables were not statistically significant, they provide some insight into potential differences among the groups. Criminal Justice (CJE)/Social Sciences (SOS) majors scored higher ( $M= 4.05$ ) than every other major ( $M=2.84$ ). In summary, from this descriptive table, it appears that those who are more favorable to support the restoration of voting rights are younger ( $M=2.99$ ), democrats ( $M=2.96$ ), African-Americans ( $M=2.93$ ), CJE/SOS majors ( $M=4.05$ ), Pell grant recipients ( $m=2.99$ ) and have recent/current experience within the criminal justice process ( $M=3.18$ ).

Table 5: Means Comparison for Agents of Socialization and Frames of Reference by Restoration Index

<i>Demographic Variable</i>		<i>N</i>	<i>Mean Opinion</i>	<i>Standard Deviation</i>	<i>F</i>	<i>Sig.</i>
Age	17 thru 21	107	2.99	1.05	3.732	.026
	22 thru 25	72	2.81	1.12		
	26 and older	39	2.44	1.14		
Race	Non-African-American	57	2.54	1.10	5.293	.022
	African-American	161	2.93	1.09		
Sex	Male	105	2.67	1.11	4.517	.055
	Female	113	2.98	1.09		
Major	Other	97	2.84	1.22	.004	.947
	CJE/SOS	121	4.50	2.44		
Income	Pell Grant Non-Recipient	75	2.52	1.13	9.371	.022
	Pell Grant Recipient	143	2.99	1.06		
Political Preference	Democrat	142	2.96	1.07	3.870	.022
	Independent	64	2.67	1.13		
	Republican	12	2.17	1.11		
Correctional Experience	Not currently	190	2.78	1.11	3.228	.074
	Yes, currently/recently	28	3.18	.98		

*Retention Index*

The retention index was comprised of items referring to the right to vote for individuals under correctional supervision- pretrial detainees, probationers, parolees and prisoners. The mean retention score for the entire sample was 2.9 out of a high score of 4. Table 6 displays the distribution of opinions for the retention index by the demographic variables. Sex ( $F(1,216)=8.479$ ,  $p=.004$ ) was the only variable shown to be significantly associated with retention opinions. Females ( $M=3.14$ ) scored higher on the retention index than males ( $M=2.66$ ).



Though the following associations are not significant there appears to subgroup differences among the following variables: age, political preference, race, income and correctional experience. Younger respondents (age 17 through 21) ( $M=2.98$ ) show more supportive attitudes toward voting rights for individuals under correctional supervision than older respondents. Even between the 22 through 25 ( $M=2.86$ ) and 26 and older ( $M=2.79$ ) categories there appears to be a notable difference in scores on the restriction index. It appears that as respondents age increases, the less likely they are to support enfranchising individuals who are under correctional supervision ( $F(2,215)=.393$ ,  $p=.675$ ). Democrats ( $M=2.97$ ) scored higher than Independents ( $M=2.8$ ) and Republicans ( $M=2.75$ ;  $F(2,215)=.533$ ,  $p=.588$ ). African-Americans had a mean score of 2.99, while non-African-Americans had a lower mean score of 2.68 ( $F(1,216)=2.503$ ,  $p=.115$ ). Respondents reporting financial need through receipt of a Pell Grant scored higher than those who have not received a Pell Grant ( $M=2.84$ ,  $F(1,216)=.314$ ,  $p=.560$ ). Interestingly, individuals who have not personally been under correctional supervision ( $M=2.93$ ) showed more support than those who are or have been under correctional supervision ( $M=2.75$ ,  $F(1,216)=.515$ ,  $p=.474$ ). Finally, CJE majors ( $M=2.992$ ) scored higher than other majors ( $M=2.804$ ;  $F(1,216)=1.217$ ,  $p=.271$ ).

This means that females, younger respondents, Democrats, African-Americans, Pell Grant recipients, CJE majors, juniors and individuals not under correctional supervision appear to be more supportive of enfranchising individuals regardless of their correctional experience. Whether or not these categories predict supportive opinions will be assessed in more robust statistical procedures later in this chapter.

Table 6: Means Comparison for Agents of Socialization and Frames of Reference by Retention Index

<i>Demographic Variable</i>		<i>N</i>	<i>Mean Opinion</i>	<i>Standard Deviation</i>	<i>F</i>	<i>Sig.</i>
Age	17 thru 21	107	2.98	1.24	.393	.675
	22 thru 25	72	2.86	1.90		
	26 and older	39	2.79	1.37		
Race	Non-African-American	57	2.68	1.36	2.503	.115
	African-American	161	2.99	1.99		
Sex	Male	105	2.66	1.34	8.479	.004
	Female	113	3.14	1.12		
Major	Other	97	2.80	1.18	1.217	.271
	CJE/SOS	121	2.99	1.32		
Income	Pell Grant Non-Recipient	75	2.84	1.31	.341	.560
	Pell Grant Recipient	143	2.94	1.22		
Political Preference	Democrat	142	2.97	1.22	.533	.588
	Independent	64	2.8	1.28		
	Republican	12	2.75	1.49		
Correctional Experience	Not currently	190	2.93	1.25	.515	.474
	Yes, currently/recently	28	2.75	1.27		

*Attitude toward Offenders – Rehabilitation Index*

To determine the effects of interactions for the fourth research question, it was necessary to observe the distribution of attitudes toward offenders among the survey sample. The mean score for the rehabilitation index was 17.289 out of a high score of 20. The survey respondents were overwhelmingly supportive of rehabilitation. Based on the univariate analysis, over 90% of all respondents agreed with the individual rehabilitation variables (CJAttitude2, CJAttitude6, CJAttitude7, CJAttitude9). Table 7 shows the rehabilitation index by frames of reference variables. There are not many reported

differences between groups. The only statistically significant differences apparent were for sex ( $F(1,216)=4.217$ ,  $p=.041$ ) and age ( $F(2,215)=2.836$ ,  $p=.061$ ). There appears to be a slight difference in support for rehabilitation between males ( $M=16.92$ ) and females ( $M=17.63$ ). For age, respondents who are 17 through 21 years of age had a mean score of 17.33 on the rehabilitation index, while the 22 through 25 category scored a 16.84 and respondents' 26 years of age and older had a mean score of 18.03. Based on this data, older students appear to show more support for rehabilitation. Ironically, classification, which arguably correlates with age, did not reveal any raw differences in mean rehabilitation opinion.

In summary, this section presented bivariate analysis, which showed that several of the variables of interest are associated the dependent variables of the study. These findings in conjunction with information revealed in the literature review provide the basis for the tested regression models and the creation of interaction terms in the following section.

Table 7: Means Comparison for Agents of Socialization and Frames of Reference by Rehabilitation Index

<i>Demographic Variable</i>		<i>N</i>	<i>Mean Opinion</i>	<i>Standard Deviation</i>	<i>F</i>	<i>Sig.</i>
Age	17 thru 21	107	17.33	2.3	2.836	.061
	22 thru 25	72	16.84	3.13		
	26 and older	39	18.03	1.77		
Race	Non-African-American	57	17.37	2.18	.075	.785
	African-American	161	17.26	2.67		
Sex	Male	105	16.92	3.03	4.217	.041
	Female	113	17.63	1.96		
College Major	Other	97	17.49	2.59	1.655	.200
	CJE/SOS	121	17.04	2.51		
Income	Pell Grant Non-Recipient	75	17.2	2.69	.139	.710
	Pell Grant Recipient	143	17.34	2.48		
Political Preference	Democrat	142	17.41	2.52	.456	.634
	Independent	64	17.05	2.64		
	Republican	12	17.17	2.55		
Correctional Experience	Not currently	190	17.22	2.59	1.220	.270
	Yes, currently/recently	28	17.79	2.23		

### Multivariate Analysis

This section presents the results of the multivariate analyses used to examine the predictive effect of demographic and moderator variables on the various dependent variables. Both multiple and logistic regression seek to uncover the parameter estimates that contribute to the predicted value of Y (dependent variable). As such, depending on the measure used as the dependent variable, both were used to test the hypotheses presented in Chapter 3. Though the linear and logistic regression models share the same ultimate goal, there are some distinctions to consider. First, the ordinary least squares (OLS) of a linear model seeks to select “parameter estimates that yield the smallest sum

of squared errors in the fit between the model and data” (Aldrich & Nelson, 1984, p. 54). In contrast, the maximum log likelihood (MLE) of a logistic regression strives to select parameter estimates that “imply the highest probability or likelihood of having obtained the observed sample  $Y$ ” (Aldrich & Nelson, 1984, p. 54). For MLE, the purpose of uncovering  $b$  (parameter estimate) is to increase the logit likelihood.

In addition to the regression models, interaction models were also tested. Jaccard (2001) suggests that the creation of product terms is the preferred way to test for interactions, while also noting that researchers also detect interactions through subgroup comparisons. For the purposes of this research, interactions revealed through subgroup comparisons will only be used to further explain the statistically significant joint relationship between the independent and moderator variable.

### *Multiple Regression*

Multiple regression analyses were used to predict the variance in an interval dependent variable, based on the linear combinations of the independent variables. This section presents the findings for the first three research questions based on the results of multiple regression analysis. A multivariate model was used to determine what independent variables in combination predicted level of knowledge, restoration opinions, and retention opinions. In a multiple regression, the significance test –  $R^2$  – is used to establish that a set of independent variables explain a proportion of the variance in a dependent variable. The  $t$  test is used to evaluate the significance of individual beta coefficients in order to test the null hypothesis, which holds the regression coefficient to be equal to zero. To assess student level of knowledge and opinions towards the

restoration and retention of voting rights for individuals under correctional supervision the dependent variables were regressed on selected agents of socialization and frames of reference variables. Additionally, interaction terms were used to determine their effects on the additive model. These variables were included in the regression analysis because they were significantly associated with retention opinions in the bivariate analysis or had a relationship strongly suggested by the literature. Finally, subgroup comparisons were conducted to identify which category of the independent variable is most influenced by the moderating variable.

*Level of Knowledge.*

For the first two hypotheses, Table 8 reports the results of predicting the knowledge index based on the selected independent variables – age, major, political preference, status, restoration opinions, and rehabilitative attitudes. The first column – labeled “level of knowledge” shows knowledge regressed on all independent, variables. This model is significant ( $p=.000$ ) and the rsquared explains 24% of the variation in the dependent variable. Within the model, age ( $\beta=.777$ ,  $p=.001$ ), major ( $\beta=1.373$ ,  $p=.000$ ), restoration opinions ( $\beta=-.339$ ,  $p=.021$ ) and rehabilitative attitudes ( $\beta=.172$ ,  $p=.006$ ) are shown to be statistically significant predictors of students’ level of knowledge of Kentucky felon voting policies. For age, if all other variables are held constant, then the beta coefficient indicates that for each unit increase in age, Y increases by .777. For major, the beta coefficient is 1.373 which appears to be much stronger than the parameter estimates due to the fact that is larger and in a positive direction.

The beta coefficient for restoration is  $-.339$ , which indicates an inverse relationship exists between level of knowledge and restoration opinions. Table 8 shows that lower scores on the restoration index (which indicates less support for the restoration of felon voting rights) correspond to higher levels of knowledge. In contrast, rehabilitative attitudes have a positive relationship with level of knowledge. This means as students become more rehabilitative they are more likely to have higher levels of knowledge. Further testing for joint effects among agents of socialization and frames of reference variables revealed no such interactions.

Table 8: Summary of Multiple Regression Analyses for Indices

<i>Variables</i>	<i>Level of Knowledge</i>	<i>Restoration Opinions</i>	<i>Retention Opinions</i>
Age	.777** (.222)	-.016 (.012)	-.011 (.014)
Race	--	.174 (.170)	--
Sex	--	.182 (.143)	.336* (.167)
Major	1.373*** (.330)	--	--
Income	--	.348* (.147)	--
Political Preference <sup>a</sup>	.799 (.679)	.012 (.322)	.100 (.363)
Correctional Experience	-.196 (.465)	.321 (.212)	-.251 (.247)
Level of Knowledge	--	-.060* (.029)	-.002 (.034)
Rehabilitative Attitudes	.172** (.061)	-.074** (.057)	.067* (.033)
Restoration Opinions	-.339* (.146)	--	.279*** (.078)
Retention Opinions	--	.197** (.057)	--
R <sup>2</sup>	.248	.209	.129
F/sig.	11.628***	6.091***	6.280***
† p<.10 * p<.05 ** p<.01 *** p<.001 a=Dummy coded 0=nonRepublican; 1=Republican ()=standard error -- = not included in the model			



### *Restoration Opinion*

Table 8 also displays the results of regressing the restoration of voting rights index (see Appendix A) on status, sex, income, race, age (continuous), repubdummy, rehabilitative attitudes, level of knowledge, and retention opinions. These variables along with several interaction terms were included because the bivariate analysis indicated that they were significantly associated with opinions towards restoration. Income

( $\beta=.348$ ,  $p=.019$ ), rehabilitative attitudes ( $\beta=-.074$ ,  $p=.009$ ), level of knowledge ( $\beta=-.060$ ,  $p=.040$ ) and retention opinions ( $\beta=.197$ ,  $p=.001$ ) were all significant predictors of restoring ex-offender voting rights. First, for income, the beta coefficient was positive indicating that as income increases then support for the restoration of ex-felon voting rights should increase as well. Second, table 9 shows an inverse relationship between rehabilitative attitudes and restoration opinions. This suggests that as students are less rehabilitative then they are more likely to support the restoration of ex-offender voting rights. Third, level of knowledge is also inversely related to restoration opinions. Students who possess lower levels of knowledge should show more support for the restoration of ex-offender voting rights. The final main effect, between retention opinions and restoration opinions – shows a positive predictive impact. Students who are more supportive of allowing individuals under correctional supervision to retain their voting rights should also score higher on the restoration index. No interaction effects were detected in the regression analysis of restoration opinions on selected agents of socialization and frames of reference variables.

### *Retention Opinions*

As with the previous dependent variables, the predictive values of the independent variables were tested on retention opinions as shown in Table 8. Main effects between the dependent variable and sex ( $\beta=.336$ ,  $p=.045$ ), restoration opinions ( $\beta=.279$ ,  $p=.000$ ), and rehabilitative attitudes ( $\beta=.067$ ,  $p=.045$ ) are presented in column 1 (see Table 8). First, the coefficient for sex is positive and indicates that females are more likely to support the retention of voting rights for individuals under some type of correctional supervision. Second, Table 8 shows a positive relationship between restoration opinions and the retention index, which suggests that as students score higher on the restoration index they are likely to score higher on the retention index. The final main effect between rehabilitative attitudes and the retention index is positive and shows that students who are more rehabilitative are likely to score higher on the retention index. The results of the four interaction models did not show any interactive effects.

### *Logistic Regression*

This section presents the findings from the logistic regressions used to further explore the first three research questions and to test the final research question. To interpret the logistic regression outputs it was necessary to make the logit coefficients more comparable. In order to accomplish this, in the findings the coefficients were standardized by calculating the percentage change in odds by subtracting one from each exponentiated coefficient and multiplying by 100 (Pampel, 2000). This serves to “translate the coefficients into effects on the odds” of support for felon voting rights (Pampel, 2000, p. 36).

The results of regressing the frames of reference variables on all felon voting opinion categories are displayed in Table 9. Tables 10-11 show the coefficient for the significant interaction models and subgroup comparisons. The data was analyzed as follows. First, additive models were estimated for opinions toward felon voting opinion categories, followed by the estimation of the effects of the following two-way interaction terms: sex and rehabilitative attitudes, major and level of knowledge, age and level of knowledge, sex and retention opinions, age and restoration opinions, status and restoration opinions, political preference and level of knowledge, race and restoration opinions, and income and restoration opinions. These particular interactions were tested because bivariate analyses showed significant correlations or the literature strongly suggested significant associations. Next, agents of socialization variables that were included in the interaction terms (sex, major, age, race, status, income and political preference) subgroup comparisons were made to directly test for subgroup differences that may have been overlooked by only examining the effect of the interaction terms. Only those that showed a significant difference among subgroups are reported here.

#### *Detainee Voting Rights*

Table 9 shows two significant predictors of opinions towards pretrial detainee voting rights: knowledge ( $\beta=.343$ ,  $p=.006$ ) and restoration opinions ( $\beta=2.548$ ,  $p=.000$ ). None of the agents of socialization variables were significantly predictive of opinions towards pretrial detainee voting. As level of knowledge increases, the odds of support for detainee voting rights increases by  $(1.409-1)*100$  or 40.9%. For restoration opinions, the coefficient is positive ( $\beta= 2.548$ ) and significant ( $p=.000$ ). This suggests that higher

scores on the restoration index positively impact opinions towards detainee voting rights. As support for the restoration of voting rights increases, the odds of supporting pretrial detainee voting increases by  $(2.548-1)*100$  or 154%. No interaction effects were observed for opinions towards pretrial detainee voting rights.

### *Probationer Voting Rights*

Table 9 shows that there are three significant predictors of support for probationer voting rights: independent political preference ( $\beta=-2.357$ ,  $p=.066$ ), republican political preference ( $\beta=-2.178$ ,  $p=.091$ ), and restoration opinions ( $\beta=2.287$ ,  $p=.000$ ). The results indicate that Independents are 2.357 times less likely to support probationer voting rights than Democrats. Therefore, the odds are  $(.095-1)*100$  or 90.5% lower for Independents to show support for probationers voting rights than Democrats. Being a Republican decreases support for probationer voting rights by 2.178. For Republicans, the odds of supporting probationer voting rights are  $(.113-1)*100$  or 88.7% lower than the odds for Democrats. Opinions towards restoring ex-felon voting rights have a positive and significant predictive impact on opinions towards probationer voting rights. As support for restoration increases, the odds of support for probationer voting increases by  $(9.847-1)*100$  or 884.7%.

In addition to the main effects of the independent variables, the data was tested for the presence of joint effects on the opinions towards probation voting rights. The analysis revealed no interaction effects were present.

### *Parolee Voting Rights*

Table 9 shows that opinions towards the enfranchisement of parolees are dependent on a respondents' major ( $\beta=-1.242$ ,  $p=.070$ ), Independent political preference ( $\beta=2.616$   $p=.040$ ), Republican political preference ( $\beta= 2.992$ ,  $p=.016$ ), and opinions towards the restoration of voting rights for ex-felons ( $\beta=2.855$   $p=.000$ ). Students with majors other than CJE/SOS are 1.242 more likely than CJE/SOS majors to be supportive of parolee voting rights. Therefore, the odds are  $(.289-1)*100$  or 71.1% higher for supportive opinions for students not majoring in CJE/SOS. As it relates political preference, Independents are 2.616 more likely to support the retention of voting rights for parolees compared to Democrats. The odds of support are  $(13.679-1)*100$  or 1,267% higher for Independents. In addition, to the impact of being an Independent, respondents indicating a Republican political preference are 2.992 more likely to possess supportive opinions towards parolee voting rights with their odds of support being  $(1.180-1)*100$  or 18% higher than Democrats. A respondents' opinion toward restoring ex-felon voting rights is also a statistically significant predictor of parolee voting opinions. As respondents' become more supportive of restoration their likelihood for supporting parolee voting rights increases by 2.855.

### *Prisoner Voting Rights*

The "full model" presented in Tables 10 and 11 display the results of the logistic regression of select independent variables on the dependent variable – opinions towards prisoner voting rights – which captures respondent opinions towards whether or not incarcerated individuals should retain the right to vote. The full model was significant

( $p=.005$ ) and accounts for 54% of the explained variance. The model shows that only rehabilitative attitudes ( $\beta=-.200$ ,  $p=.040$ ) and restoration opinions ( $\beta=3.396$ ,  $p=.000$ ) are statistically predictive of prisoner voting rights. As support for restoration increases, support for prisoner voting rights increases by  $(29.841-1)*100$  or 2,884%. In addition, as support for rehabilitation increases, support for prisoner voting right decreases by  $(.819-1)*100$  or 18.1%.

Several interaction effects were also detected between the interaction terms for age and restoration opinions (Table 10) and sex and restoration opinions (Table 11). The subgroup comparisons further explained the interaction effects. For the joint effect of age and restoration opinions, the product term is positive ( $\beta=3.035$ ) and statistically significant at  $p=.016$ . The interaction model accounts for an additional 2%  $[(.557-.537)*100]$  of the explained variability of the dependent variable. The subgroup comparisons for age reveals that opinions towards prisoner voting rights are conditioned by restoration opinions for respondents who fall into the age ranges 17 to 21 years ( $\beta=2.535$ ,  $p=.000$ ) and 22 to 25 years ( $\beta=5.737$ ,  $p=.000$ ).

The interaction term between sex and restoration opinions was also positive ( $\beta=3.534$ ) and statistically significant ( $p=.004$ ) and explains an additional  $(.562-.537)*100$  or 2.5% of the variability in the dependent variable. The subgroup comparison of sex reveals no significant differences. Though all three of the abovementioned product terms have statistically significant regression coefficients, the change in rsquare and the subgroup comparison do not indicate strong interaction effects.

Table 9. Summary of Logistic Regression Analyses for Restoration and Retention Opinions Binary Dependent Variables

[illegible]

Table 10. Regressions of Opinions Towards Prisoner Voting Rights on Agents of Socialization and Frames of Reference Showing Effects of Restoration Opinions on Age

<i>Variables</i>	<i>Full Model (1)</i>	<i>Interaction Model (2)</i>	<i>17-21 (3)</i>	<i>22-25 (4)</i>	<i>26+ (5)</i>
22-25 years <sup>a</sup>	.360 (1.433)	18.965* (2E+008)	--		--
26+ years <sup>a</sup>	-.397 (.672)	8.188* (3599.276)			
Race	.442 (1.556)	.519 (1.680)	.564 (1.758)	1.482 (4.402)	61.813 (7E+026)
Sex	-.763 (.466)	-.790 (.454)	-.612 (.542)	-1.865 (.155)	-134.737 (.000)
College Major	.031 (1.031)	-.012 (.988)	-.015 (.986)	-.297 (.743)	13.285 (58818.3)
Income	.336 (1.399)	.432 (1.540)	.578 (1.783)	1.466 (4.333)	-121.4783 (.000)
Independent <sup>b</sup>	1.986 (7.287)	1.482 (4.400)	.964 (2.621)	18.307 (9E+007)	-222.733 (.000)
Republican <sup>b</sup>	1.347 (3.847)	.873 (2.394)	.541 (1.718)	18.146 (8E+007)	-306.955 (.000)
Status	.110 (1.116)	.024 (1.024)	-.315 (.730)	.686 (1.985)	-2.639 (.071)
Level of Knowledge	-.128 (.880)	-.124 (.884)	-.170 (.844)	.210 (1.233)	-43.030 (.000)
Rehabilitative Attitudes	-.200* (.819)	-.246* (.782)	-.294* (.745)	-.042 (.959)	14.103 (1333486)
Restoration Opinions	3.396*** (29.841)	2.536*** (12.626)	2.535*** (.844)	5.737*** (310.086)	199.771 (5.7E+086)
Age*Restoration Opinions		3.035* (20.810)			
-2 Log Likelihood	126.412	116.367	78.424	21.614	.000
R <sup>2</sup>	.537	.557	.479	.635	.680
† p<.10 * p<.05 ** p<.01 ***p<.001 a=Age in years as a categorical variable with reference category = 17-21 years b=Political preference with reference category = Democrat ( )=Exp(B)					



Table 11. Regressions of Opinions Towards Prisoner Voting Rights on Agents of Socialization and Frames of Reference Showing Effects of Restoration Opinions on Sex

<i>Variables</i>	<i>Full Model (1)</i>	<i>Interaction Model (2)</i>	<i>Males (3)</i>	<i>Females (4)</i>
Sex				
22-25 years <sup>a</sup>	-.763 (.466)	-12.198** (.000)		
26+ years <sup>a</sup>	.360 (1.433)	.495 (1.640)	1.081 (2.949)	2.124 (8.367)
Race				
College Major	-.397 (.672)	-.360 (.698)	.240 (1.271)	-3.447 (.032)
Income	.442 (1.556)	.385 (1.470)	-.356 (.700)	2.504 (12.236)
Independent <sup>b</sup>	.031 (1.031)	.181 (1.198)	.284 (1.329)	.188 (1.206)
Republican <sup>b</sup>	.336 (1.399)	.243 (1.276)	.868 (2.383)	-.746 (.474)
Level of Knowledge	1.986 (7.287)	1.548 (4.702)	1.413 (4.106)	17.915 (6E+007)
Rehabilitative Attitudes	1.347 (3.847)	.784 (2.191)	.329 (1.390)	15.287 (4357401)
Restoration Opinions	-.128 (.880)	-.149 (.861)	-.349* (.705)	.504 (1.655)
Sex	-.200* (.819)	-.132 (.877)	-.066 (.994)	-.885+ (.413)
*Restoration Opinions	3.396*** (29.841)	2.289*** (9.860)	2.260*** (9.582)	9.986** (21726.723)
-2 Log Likelihood	126.412	114.316	74.002	25.163
R <sup>2</sup>	.537	.562	.459	.682
† p<.10 * p<.05 ** p<.01 ***p<.001 a=Age in years as a categorical variable with reference category = 17-21 years b=Political preference with reference category = Democrat ()=Exp(B)				

*Ex-Felon Voting Rights*

Table 9 also displays the ex-felon item that was used to determine whether or not respondents believe ex-felons should regain their right to vote. This differs from the restoration index because it only measures opinions towards ex-felons in general and therefore does not include any details regarding the offense. The additive model is statistically significant at  $p = .000$  and explains approximately 27.9% of the variability in the dependent variable. The logistic regression analysis reveals no significant demographic predictor variables; however, three variables that were included in the additive models to test for interaction effects were found to be significant predictors of opinions towards ex-felon voting rights: knowledge ( $\beta = .290$ ,  $p = .050$ ), rehabilitative attitudes ( $\beta = .226$ ,  $p = .042$ ), and retention opinions ( $\beta = 1.807$ ,  $p = .000$ ). As level of knowledge increases, a respondent's support for ex-felon voting rights increase by .290. The odds of support for ex-felon restoration are  $(1.336 - 1) * 100$  or 33.6% higher for respondents as their level of knowledge increases. Attitudes towards rehabilitation are also predictive of ex-felon voting rights opinions. As respondents become more rehabilitative, the likelihood that they will support ex-felon voting rights increases by .226. Additionally, respondents who are more supportive of retaining the right to vote while under correctional supervision are 1.807 times more likely to support ex-felon voting rights.

Interaction terms were created to test for moderator effects among certain variables. There were no statistically significant interaction terms for opinions towards ex-felon voting rights.

### *Violent Ex-Felon Voting Rights*

As shown in Table 9, opinions towards the reenfranchisement of violent ex-felons are only predicted by retention opinions ( $\beta=1.538$ ,  $p=.000$ ). As students score higher on the retention index they are 1.538 times more likely to support the restoration of voting rights for violent ex-felons. Therefore, the odds of support are  $(4.657-1)*100$  or 365.7% higher for those who also reportedly have supportive opinions towards the retention of felon voting rights. Again, no joint effects were observed in the interaction models.

### *Sex Offense Ex-Felon Voting Rights*

Correctional experience ( $\beta=-3.367$ ,  $p=.050$ ), major ( $\beta=-1.971$ ,  $p=.092$ ), and retention opinions ( $\beta=5.556$ ,  $p=.000$ ) are shown to be predictors of opinions towards sex offender ex-felon voting rights (see Table 9). First, status is inversely related to the restoration of sex offender ex-felon voting rights. Students who reported no recent or current involvement within the criminal justice system are 3.367 times more likely to support the re-enfranchisement of sex offenders once their sentence is complete. Second, major is also shown to have an inverse relationship. Students with majors other than CJE/SOS are 1.917 times more likely to support the restoration of sex offender voting rights with their odds of support being  $(.139-1)*100$  or 86.1% higher than CJE/SOS majors. Third, the categorical variable age is significant for ages 22 to 25 years. This suggests that students between the ages of 22 and 25 years are 2.411 times more likely to support sex offense ex-felon voting rights than younger students (17 to 21 years) and older students (26 years and older). The final main effect with retention opinions is positive ( $\beta=3.719$ ) and statistically significant ( $p=.000$ ), which suggests that as students report being

more supportive of various offenders retaining the right to vote they are 3.719 times more likely to support the restoration of voting rights for sex offenders. There were no significant interaction terms for opinions towards sex offender ex-felon voting rights.

#### *Sex Offense Against A Child Ex-Felon Voting Rights*

Two main effects are present between the dependent variable sex offense with child ex-felon and the selected independent variables (see Table 9). Rehabilitative attitudes ( $\beta = -2.73$ ,  $p = .042$ ) and retention opinions ( $\beta = 3.719$ ,  $p = .000$ ) are both statistically significant predictors of opinions towards the restoration of voting rights for sex offense against a child ex-felons.

First, attitudes towards rehabilitation have a negative coefficient, which indicates that students who are less rehabilitative in their punishment preferences are .273 times more likely to support the reenfranchisement of sex offense against a child ex-felon voting rights. The odds of these students supporting the voting rights of sex offense with a child ex-felons are  $(.761 - 1) * 100$  or 23.9% higher than students who are more retributive.

Second, students who scored higher on the retention index are 3.719 times more likely to support the restoration of voting rights for an ex-felon convicted of a sex offense against a child. Their odds for support are  $(41.239 - 1) * 100$  or 4,023.9% higher. The additive model was significant at  $\alpha \leq .001$  and explains 61.5% of the explained variance of the dependent variable. The interaction models revealed no statistically significant joint effects.

*White Collar Ex-Felon Voting Rights*

Table 9 shows that the logistic regression analysis of respondent opinions toward the restoration of the voting rights for a white collar ex-felon revealed two significant predictors – major ( $\beta=1.286$ ,  $p=.044$ ) and retention opinions ( $\beta=1.965$ ,  $p=.000$ ). The model is significant ( $p=.000$ ) and explains 42.2% of the variability in the dependent variable. The logged odds of supporting white collar ex-felon voting restoration are 1.286 higher for CJE/SOS majors than other majors. Therefore, the odds of support are  $(3.619-1)*100$  or 261.9% higher for CJE/SOS majors. Retention opinions also were shown to have a statistically significant effect on attitudes towards the re-enfranchisement of ex-felons who committed a white collar offense. The positive nature of the coefficient indicates that as scores on the retention index increase, the likelihood of support of white collar ex-felon voting rights increases by 1.965. The logged odds are  $(7.136-1)*100$  or 613.6% higher as a respondent's score on the retention index increases. No interactions are present in the regression models.

In conclusion, this research was guided by political socialization theory and previous criminal justice related attitudinal research, both of which informed the hypotheses. Overall, we found little support for the expected relationships. Where interaction effects were found or implied, the strength of the effect was relatively weak. Though we feel comfortable with the findings, we recognize that they could have been affected by typical interaction issues such the restraints of sample size. The following chapter will place these findings in the context of existing literature, discuss the policy

implications, explore the limitations of this study and provide suggestions for future research.

## **CHAPTER 6**

### **Discussion**

In order to gain a better understanding of the results presented in Chapter 5, this chapter will discuss the significant findings and contextualize them in light of the current body of research. In addition, this section revisits some of the key concepts found in this dissertation, discusses the significant findings, explores the policy implications and provides suggestions future research.

Using data obtained through a convenience sample of college students at Kentucky State University, this dissertation sought to examine whether or not agents of socialization coupled with knowledge, attitudes and opinions can be used as predictors of views towards felon voting rights among college students attending a Historically Black College or University. An extensive review of the literature revealed the existence of many public opinion or attitudinal studies towards criminal justice issues. It also showed that research specifically pertaining to felon voting is beginning to appear more often in the scholarly arena. However, there is a dearth of literature on the opinions of members of the general public as it relates to felon voting rights. More specifically, there has never been a study in Kentucky that examines the determinants of felon voting rights opinions, especially with a predominantly African-American sample.

The literature on public opinion and criminal justice related issues showed that researchers often reported the relationships between demographic characteristics and opinions. This dissertation used this information as a foundation for applying political

socialization theory as the theoretical framework for the project. As such, political socialization literature was coupled with criminal justice research to identify the agents of socialization and frames of reference that would most likely predict felon voting opinions. Research questions and hypotheses were developed based on the identification of these variables and were presented in Chapter 3. As reported in Chapter 5, the relationships among the variables were tested through bivariate analysis, then multiple linear and logistic regression analysis. Further testing was conducted to identify the presence of interaction effects using both the moderated multiple regression and subgroup group comparisons. The findings of the study indicated several predictors of felon voting opinions and exposed some interaction effects between the agents of socialization variables and frames of reference variables (i.e. level of knowledge, rehabilitative attitudes, and restoration and retention opinions).

#### Major Findings by Research Question & Hypothesis

The first three research questions were all tested with bivariate analysis and multiple linear regression analysis. Linear regression provides more detailed information about the individual categories of the explanatory variables. The individual regression coefficients measure the effect of being in one group or another, compared with other groups. The fourth research question was assessed through bivariate analysis then through the use of logistic regression. This section discusses the results by each research question and its accompanying hypotheses.



The hypotheses were analyzed as follows. The first two hypotheses were tested through multiple and logistic regression analysis. The multiple regression model used the restoration index as the dependent variable while the logistic regression analysis separated out the items from the index to examine how respondents felt about the individual ex-felon categories. Similarly, hypothesis four was tested through multiple regression analysis using the retention index as the dependent variable and logistic regression models that separated out the items in the index to reveal opinions based on specific offense types.

#### *Level of Knowledge*

*Research Question 1: How do the agents of socialization and frames of reference of students attending a Kentucky college determine their level of knowledge about the state's voting rights policy?*

Overall, this sample did not possess high levels of knowledge of Kentucky's voting rights policies. The overall mean score for the entire sample was only 3.667, which is a low score on a scale where a score of 0-3 indicates low levels of knowledge, a score of 4-6 indicates moderate levels of knowledge and a score of 7-9 shows high levels of knowledge. Only two hypotheses were suggested regarding the level of knowledge respondents had in regard to felon voting policies in Kentucky:

*H<sub>1</sub>: Criminal justice/social science majors OR older students will be significantly more knowledgeable about Kentucky's felon voting laws.*

*H<sub>2</sub>: The predictive effect of college major or age on knowledge about Kentucky's felon voting laws will be significantly moderated by attitudes towards rehabilitation and restoration opinions.*

For the first hypothesis, the linear regression model indicated a positive and significant relationship between major and knowledge of Kentucky's felon voting policies,

which means that CJE/SOS majors were more knowledgeable than other majors. The model also revealed a positive and significant relationship between age and level of knowledge, which indicates that older students are more knowledgeable about Kentucky voting rights policies than younger students. As noted earlier, age and classification are highly correlated; therefore, the distinction between age categories could be attributed to the opportunity to gain knowledge throughout the course of one's academic career.

In addition to actual significance, because this was an exploratory study, variables of practical significance are relative as well. Restoration opinions and rehabilitative attitudes were included in the model and were also found to be significant predictors of level of knowledge. Individuals who scored lower on the restoration index and those who scored higher on the rehabilitation index were more knowledgeable about Kentucky's felon voting policies. No relationships were hypothesized for these two variables because they were primarily included for their interaction potential; however, their significance may call for further examination of the impact they have on level of knowledge in future research.

For the second hypothesis, there were no significant interactions present in the analysis, so level of knowledge does not appear to be moderated by attitudes towards rehabilitation or restoration opinions.

*Restoration Opinions Main Effects*

Research Question 2: What agents of socialization and frames of reference determine whether or not students attending a Kentucky college believe felons should be accorded citizenship rights upon completion of their punishment?

Research Question 4: How do Kentucky college students' agents of socialization and frames of reference interact to affect their opinions about felon voting rights?

The third hypothesis focused on the predictive nature of agents of socialization and frames of reference variables on the restoration of voting rights for felons who have completed their sentence. Specifically, it states:

*H<sub>3</sub>: African-Americans, younger students, females, criminal justice/social science majors, lower income students, or individuals with experience in the criminal justice system will show significantly more support towards the restoration of ex-felon voting rights.*

For this hypothesis, the multiple regression analysis revealed that only income was significantly predictive of support for the restoration of ex-felon voting rights as measured through the restoration index. The positive relationship between income and the restoration index showed that respondents who indicated financial need were more supportive of the restoration of ex-felon voting rights. This finding supports the literature that suggested that students attending black colleges typically report lower incomes and those with lower incomes are more liberal (Kinder & Winter, 2001; "Freshman at Black Colleges", 2002).

For exploratory purposes, level of knowledge, retention opinions and attitudes towards rehabilitation were included in the additive model for their interaction potential. In the additive model, all three variables were shown to be statistically significant predictors of restoration opinions. The less rehabilitative; those who possess lower levels of knowledge; and individuals who are more supportive of retention were more likely to

support the restoration of ex-felon voting rights. It appears that relationships that were inferred in the literature review and correlation matrix between rehabilitative attitudes and support for felon voting rights may not truly exist. It was expected that rehabilitative attitudes would be positively predictive of favorable opinions towards felon voting opinions.

In addition to the multiple regression analysis, the components of the restoration index were tested separately with logistic regression to gauge whether or not the offense type changed opinions towards restoration. Those results are summarized by category below.

#### *Ex-Felon Voting Opinions*

For ex-felon voting, sex was the only statistically significant demographic predictor of retention of felon voting opinions showing that males are more supportive of retention than females. The lack of significant differences between variables may be due to the overwhelming support the sample showed for allowing ex-felons to vote.

In addition to the main effect of sex, level of knowledge, rehabilitative attitudes and retention opinions were also statistically significant predictive of ex-felon voting. Students who possessed higher levels of knowledge were more supportive of rehabilitation and retention were also more likely to support the restoration of ex-felon voting rights.

#### *Violent Ex-Felon Voting Opinions*

The data analysis revealed a main effect between retention opinions and support for the voting rights of violent ex-felons. The positive relationship indicates that students who were more supportive of the retention of voting rights for current felons were also more

likely to support the restoration of voting rights for violent ex-felons. The explanation for this predicted relationship seems obvious considering the two variables. Individuals who have no problem with current offenders retaining their voting rights logically should have no problem with ex-felons voting either.

#### *Sex Offense Ex-Felon Voting Opinions*

One agent of socialization variable and two frames of reference variables were predictors of opinions towards the restoration of voting rights for a sex offender ex-felon. College major and respondent correctional experience had inverse relationships with the dependent variable, which suggests that students who have no correctional experience and majors other than CJE/SOS were more likely to support the voting rights of an ex-felon who was convicted of a sex offense.

#### *Sex Offense against a Child Ex-Felon Voting Opinions*

Support for the reenfranchisement of individuals who have served sentences for committing a sex offense against a child was significantly predicted by rehabilitative attitudes and retention opinions, which indicates partial support for the third hypothesis. This relationship suggests that individuals who are less rehabilitative and more supportive of retention are more likely to support the restoration of ex-felons who committed a sex offense against a child. The findings for this dependent variable further calls into questions the relationship between rehabilitative attitudes and restoration opinions, since once again, the relationship appears to be negative.

### *White Collar Ex-Felon Voting Opinions*

The findings related to the determinants of support for the restoration of a white collar ex-felon's voting rights disclose a significant relationship between major and retention opinions and support for the reenfranchisement of ex-felons convicted of a white collar crime. CJE/SOS majors and students who were more supportive of retention of voting rights regardless of correctional status were more likely to support white collar ex-felon voting rights.

### *Retention Opinions Main Effects*

The following research questions concerned the predictive nature of agents of socialization and frames of reference variables on the retention of voting rights for individuals under correctional supervision. Both the retention index and separate categories of correctional supervision (i.e. pretrial detainee, probationer, parolee, and prisoner) were used as dependent variables to test answer the questions and test the related hypotheses.

Research Question 3: What agents of socialization and frames of reference determine whether or not students attending a Kentucky college believe felons should retain citizenship rights while still under correctional supervision?

Research Question 4: How do Kentucky college students' agents of socialization and frames of reference interact to affect their opinions about felon voting rights?

Hypothesis four focused on the relationships between the independent variables and retention opinions. It stated:

*H<sub>4</sub>: African-Americans, younger students, females, criminal justice/social science majors, lower income students, OR individuals with experience in the criminal justice system will show significantly more support towards the retention of felon voting rights.*

This hypothesis was assessed through a multiple regression analysis of the retention index and logistic regression analyses of the binary dependent variables for pretrial detainee, probationer, parolee, and prisoner voting rights.

The multiple regression results using the retention index as the dependent variable revealed that out of all of the agents of socialization and frames of reference variables, only sex was found to be statistically significant. Sex is positively predictive of retention opinions, which means females are more supportive of granting voting rights to individuals under correctional supervision. Again, this finding possibly relates to Applegate's (2002) suggestion that women are more empathetic to offenders. Regardless of the fact that the offender remains under correctional supervision, the empathy females may have towards the socially disadvantaged apparently transcends into the field of corrections.

Additionally, several variables were included for their practical implications on opinions towards the retention of felon voting rights. Opinions towards restoration and attitudes towards rehabilitation were both statistically significant predictors of support for the retention of felon voting rights. Both variables were positively associated and indicate that the more rehabilitative and supportive of restoration are also more likely to show support for retention.

The logistic regression results revealed few determinants of support for retaining felon voting rights when the legal status of the offender was specified. These findings are summarized as follows.

First, for opinion towards pretrial detainees, the logistic regression analysis showed that higher levels of support for restoration opinions and levels of knowledge were

predictive of support for pretrial detainee voting rights. Second, for probationer voting rights opinions, political preference was the only significant agent of socialization variable shown to be a predictor for opinions towards probationer voting rights. Both categories of political preference showed statistically significant effects on the dependent variable. Independents and Republicans showed inverse relationships with support for probationer voting rights, which indicates that Democrats were more likely to support the retention of voting rights for individuals on probation.

Third, support for parolee voting rights was predicted by major, political preference and restoration opinions. Based on research such as Pinaire et al (2002) who found that Democrats were more supportive of rehabilitative policies than Republicans, it was expected that Republicans would be less supportive of the retention of parolee voting rights. As it relates specifically to opinions towards parolee voting rights, the fourth hypothesis was not supported because though the predicted relationships may have been significant, the direction of the relationships was not consistent with the hypothesis. For example, Independents and Republicans were both more likely to support the retention of voting rights for parolees than Democrats, though the opposite was expected. The same occurred when college major was considered. Majors other than CJE/SOS were more likely to support the retention of parolee voting rights, though previous research suggested that criminal justice majors are less punitive than other majors (Tsoudis, 2000). Finally, for prisoner voting rights opinions, none of the hypothesized relationships were statistically significant, but attitudes towards rehabilitation and opinions towards restoration were shown to be statistically significant.



### *Interaction Effects*

The last two hypotheses were concerned with the predictive effect of the explanatory variables (agents of socialization) and moderator variables (knowledge, rehabilitative attitudes, and restoration and retention opinions) on each felon voting opinion dependent variable (detainee, probationer, parolee, prisoner, ex-felon, violent ex-felon, sex offender ex-felon, sex offense against a child ex-felon, and white collar ex-felon). The moderating effects were tested with the creation and inclusion of several interaction terms.

*H<sub>5</sub>: The predictive effect of demographic variables (age, gender, etc.) towards the restoration of voting rights for ex-felons who have completed their sentences will be significantly moderated by level of knowledge, attitudes towards rehabilitation, or retention opinions.*

For the fifth hypothesis, there were no significant joint effects present in the interaction models. This was an unanticipated and troublesome finding, since the bivariate analysis and existing literature informed the creation of interaction terms. A discussion of why this occurred can be found below in the section on limitations of the study.

*H<sub>6</sub>: The predictive effect of demographic variables (age, gender, etc.) on opinions towards the retention of voting rights for individuals under correctional supervision will be significantly moderated by level of knowledge, attitudes towards rehabilitation, or restoration opinions.*

For the final hypothesis, the only statistically significant interaction effects was between age and restoration opinions, and sex and restoration opinions when they were regressed on opinions towards prisoner voting rights. The subgroup comparisons also found several differences among the categories of certain variables. The opinions of

respondents who fell in the age categories 17-21 years and 22-25 years and individuals were moderated by their opinions towards restoration of ex-felon voting rights and male respondent opinions were conditioned by their attitudes towards rehabilitation.

### Consideration of Findings in Light of Existing Research

The literature that served as the basis for this study revealed that felon disenfranchisement has been detrimental to the democratic notion through voter dilution and the “chilling effect” it has on political engagement in the U.S. The results of this study support that additional research is needed to identify the public’s opinion on whether or not convicted felons should either retain or regain their right to vote.

Over the past five years, researchers have become increasingly interested in learning about the impact of felon disenfranchisement (Manza & Uggen, 2002; League of Women Voters, 2006; Uggen & Manza, 2004;), knowledge about felon voting restrictions (Keener & Kruessel, 2005; Steinmetz, 2003; Uggen & Manza, 2004; Wahler, 2006) and opinions towards felon voting rights (Pinaire et al, 2003; Manza et al, 2002; University of Kentucky, 2006). With the exception of Pinaire et al (2003), little is available in the literature that reflects empirical studies regarding the association between demographic variables and felon voting opinions.

Examining college students’ knowledge of a topic is essential in order to fully assess their attitudes towards crime and punishment issues (Hensley et al, 2002). Furthermore, existing literature suggests that awareness of the issue would cause “rigorous scrutiny” of policies that indefinitely restrict the right to vote for ex-felons (Pinarie et al, 2003, p.1545). Lane (1997) found that knowledge gained in a corrections course reduced

the punitive orientation of the participants. The respondents' position as students affords them greater opportunities to become social critics and discuss issues that are not necessarily part of conversations outside of the classroom. The lack of knowledge among this sample of college students who have more access to legislative issues due to the school's location in the state capitol and more access to politicians who also hold faculty positions at the University could suggest that the average Kentuckian may be less aware of the issue than the student respondents. If this holds true, then the Kentucky Restoration of Voting Rights Campaign will have a lot of work ahead of them in order for a ballot measure to successfully change the state's constitution.

Knowledge is a related concept to education, as such assessing the level of knowledge and its predictors is consistent with what previous research has suggested regarding education. Applegate et al (2002) reported that education and rehabilitative attitudes are positively related. Similarly, other research found that education and punitiveness have a negative relationship (Campbell, 1997; Payne et al, 2004).

Overall, the findings suggest that the majority of the sample supported the restoration of voting rights to individuals who have completed their sentences (i.e. ex-felons) regardless of their offense type. This support mirrors public policy changes across the country in recent years that has streamlined or automated the restoration process. As stated before, there is a possibility for ex-felons to vote in Kentucky. Though the process has been called cumbersome, the process is still there. However, approximately 166,000 ex-felons cannot vote in Kentucky due to the denial of their request for civil rights restoration or failure to apply for restoration (League of Women Voters, 2006).

Currently, only two states allow inmates eligibility to vote (“The Sentencing Project,” 2005). Previous research on felon voting opinions found that inmates felt that if they worked and paid taxes (i.e. work release), the economic citizenship argument, then they should have the right to vote (Steinmetz, 2002). The Manza et al (2002) study found that 31% of their respondents supported the enfranchisement of prisoners. Although the collective response of this study revealed that 40.4% of respondents support prisoner voting rights, this issue is not the current debate in Kentucky. It appears that the majority of individuals cannot reconcile the right to vote with incarceration. It is not surprising that prisoner voting was one of the least supported categories (though the most interactive), for if rehabilitative attitudes serve as the basis for predicted relationships, then prisoners have yet to complete their rehabilitative process and should not garner the level of support as individuals living in the community (probationers and parolees) or ex-offenders.

In sum, this dissertation fits in the body of existing literature by offering a different take on opinions towards felon voting rights. Though the general public (Manza et al, 2002; Pinaire et al, 2003) has been polled and the attitudes of prisoners (Uggen & Manza, 2002; Steinmetz, 2003), ex-felons (Cardinale, 2005), and parolees (Wahler, 2006) have been examined, the awareness and views of an educated, younger, predominantly African-American, and Democratic sample can be added to the short list of documented opinions toward felon voting rights.

### Policy Implications

The “big picture” for this study probably centers on how this type research can contribute to a sound punishment policy in Kentucky that considers the voice of citizens,

while ensuring justice is meted out and democracy is sustained. To consider this question, it is perhaps necessary to contemplate several things:

- Why is voting important in a democracy?
- Why are the attitudes of young African-Americans important?
- How does socialization impact attitudes towards felon voting?
- How does the legal status of the offender (retention) affect opinions towards their right to vote?
- How does the offense type (restoration) affect opinions towards the ex-felons right to vote?

### *The Importance of Voting in a Democracy*

In a democracy, the voice of the citizen is heard through the electoral process. As such, the U.S. Supreme Court has ruled that voting is a fundamental right for U.S. citizens. Currently, convicted felons are the only class of adult U.S. citizens that are ineligible to vote (Johnson-Parrish, 2003). Since voting requirements fall under the jurisdiction of individual states, the felon disenfranchisement laws across the U.S. have been described as a “crazy-quilt” (Ewald, 2005). For example, a prisoner in Vermont is eligible to vote, while an ex-felon in Kentucky is disenfranchised for life (The Sentencing Project, 2005).

Recent research has shown that the dilution caused by felon voting policies such as Kentucky’s, have damaging effects on the communities from which the felons derive. In Kentucky, one in four African-Americans is currently disenfranchised due to a felony conviction (League of Women Voters, 2006). Research has also suggested that the resulting voter dilution has affected election results in past elections (Uggen & Manza,

2004) though the activity was invalidated by the passage of the Voting Rights Act of 1965. The fact remains that voting is a fundamental component of the democratic process. Research examining what citizens opine about this issue contributes to identifying whether or not the policy should and will change in Kentucky. The public education needed to ensure that Kentucky constituents are aware of the issue should be guided by research that predicts which segments of the population lack knowledge or oppose re-enfranchisement for convicted felons.

### *The Importance of Assessing African-American Opinions*

Although there are several groups and individuals working on this issue in Kentucky, there has never been a survey that explores the depth of resident opinions toward felon voting rights, especially that of African-Americans. The felon voting ban has been presented to the KY General Assembly for some time with limited success. Three felon voting bills are scheduled to be pre-filed for the upcoming 2007 session. This research aids in the preparation necessary to pass a ballot measure, if the automatic restoration of rights bill passes. Plans are already in the make by the ROVRC to conduct an extensive ground campaign to educate voters on this issue. As such, if the methodology of this study can be used on a larger scale, statewide study, then the ROVRC will have the appropriate tools to implement their grassroots public education campaign before the ballot measure. The Coalition could use demographic data to determine where their efforts should be focused. This study serves as preliminary data that can be used to direct future research.

Though voter eligibility was not reported in the data, one could presume that a sizeable number of students may be registered to vote in Kentucky. Every year the KSU NAACP student chapter hosts a voter registration drive on campus and the students register to vote in Kentucky. This presumption could be taken further in that Election Day falls on the first Tuesday in November, which is a day that the semester is still in session. The out-of-state students probably do not have the resources to leave Kentucky for the day in order to vote or the knowledge of absentee ballot deadlines, which leaves those who want to vote the option of voting in Kentucky. Considering KSU is located in the state capitol and has approximately 2,500 students who may or may not influence their families and communities, this population's opinion may be very useful in determining what younger, predominantly African-American individuals think about felon voting rights.

The voices of a predominantly African-American population are important because they represent the individuals and communities that are most likely to be impacted by the voter dilution and "chilling effect of political engagement" resulting from felony disenfranchisement. Given the current punishment policies in this country, one could predict that this trend will continue in the years to come because in "voiceless" communities they have no power to bring about change. In a country where the policy makers do not literally "represent" all of the communities in their districts, there really is no other way, other than attitudinal and public opinion research, to ascertain what the members of predominantly African-American communities truly believe about issues affecting them.

This research is guided by the assumption that the target population would even care that they are more likely to be collectively silenced by felon voting bans. However, the level of knowledge reflected in the findings of this survey reveal a lack of awareness on the policy in Kentucky. If African-Americans are not knowledgeable about the state's felon voting ban, then they may not be aware of the tremendous impact it has on the collective African-American voice in Kentucky. Furthermore, though the sample in this study was predominantly African-American, other racial/ethnic groups were also represented. These groups also reflected low levels of knowledge on Kentucky's felon voting law. These findings support the need for ROVRC's projected ground campaign to educate the citizens about the issue. Future research could assess opinions through quasi-experimental methods that would include examining citizen opinions before and after an educational session on felony disenfranchisement. That type of research would provide a better assessment of what Kentucky voters would vote for after the extensive ground campaign.

### *Political Socialization*

By recognizing that every person is "at the center of multiple intersections," this research considers the combination of individual characteristics and perceptions which normally work to keep certain categories of people marginalized and isolated from political engagement. Criminological literature has acknowledged the multiple intersections of race, class and gender in relation to political power (Barak et al, 2001), but many other intersections exist that define the social location and political power of individuals. Previously reviewed literature suggests that in addition to race (as discussed in the



previous section), other characteristics such as sex, political preference, income, age, major and correctional experience are indicators of certain opinions as well (see pp. 98-111). By focusing on all of these characteristics, this dissertation explored the intersectionality among them using political socialization theory as the theoretical lens.

The application of political socialization theory to this topic suggests that opinions toward voting rights for felons could be determined by one's agents of socialization and frames of reference. This theory is based on the premise that membership in a group makes one likely to identify with that group's perceptions and opinions. The predispositions needed to develop these opinions are believed to be acquired by early adulthood. Since the mean age of the sample is 23 years, it represents a majority of individuals in the middle early adulthood. The average respondent is in a unique social location between childhood and adulthood; therefore, some opinions may be reflective of set political opinions, while others are still in the developing process. This may explain why some predicted associations and relationships were not apparent in this study. Perhaps an older population would have yielded results that were more consistent with what previous literature suggested. The findings related to age suggest that a public education campaign may want to focus on older residents whose lack of awareness about the issue may lead them to not support felon voting restoration.

Age was definitely a factor in this research, as shown by the many opinions it significantly predicted (see Chapter 5). Younger respondents were more likely to support felon voting rights regardless of legal status and offense type. As suggested by Sears & Funk (1999), in actuality the best way to measure the impact of predispositions on political

opinions is to conduct longitudinal research that assesses how or if they change over time, though this method is impractical for this sample because of anonymity. It would be interesting to see if the opinions of the young adults in this survey will change as they mature and reach different stages in their lives.

Another critical aspect of this research in light of political socialization theory is the role of education. All respondents in this study were enrolled as students at Kentucky State University. As such, we know that their educational level is at least a high school graduate. Niemi and Sobieszek (1977) suggested that:

*Research on the role of the school in political socialization is surprisingly sparse, and has been piecemeal rather than directed by clear theoretical perspectives. Consequently there is a welter of specific ideas, but little can be confidently stated and backed by adequate research (p. 220).*

Other research has shown that high school should be a critical period for the development of political attitudes (Niemi & Sobieszek, 1977). However, some research has shown that educational attainment has no significant effect on political attitudes (Langston & Jennings, 1968). In a cross-sectional study on high school seniors, Langston and Jennings (1968) found that a civics course had no significant impact on the participants; however, they did find that the course had a meaningful effect on the black students in the sample. This is considerably related to the present research, since the majority of the sample was African-American. Considering that this was an educated, African-American population one could assume that the opinions may be more liberal and rehabilitative (Guller, 1972) since knowledge gained through education or the “college effect” tends to liberalize individuals (Farnworth et al, 1998, p. 40, see also Astin, 1977; Hensley et al, 2002).

Furthermore, Niemi and Sobieszek (1977) purport that one should not expect “political lessons to take hold until actual participation is possible and expected” (p. 221). They therefore conclude that colleges impact young people’s political attitudes more than high school regardless of the fact that cognitive development theories presumably suggest that the time of influence is much earlier in life (Niemi & Sobieszek, 1977). This research contributes to the existing literature on political socialization theory by exploring the political opinions of college students. Again, these students have a distinct social location that is relevant to the contemporary application of political socialization theory, so the findings add to existing literature that purports college as an institution and social location contributing to the development of political attitudes.

With the aforementioned role of college education in mind, the fact that few predicted relationships between agents of socialization and frames of reference were observed is mitigated by the fact that more research exploring the impact of education on political opinions is needed. This research accomplished that through looking at a political topic – felony disenfranchisement – through the lens of college students at an HBCU.

#### *The Impact of Legal Status on Retention Opinions*

As of right now, in Kentucky there are no future plans for a campaign to expand the franchise to individuals under correctional supervision (i.e. probationers, parolees, and prisoners). The NAACP of Louisville (Kentucky) already holds voter registration drives and attempts to educate pretrial detainees (those who are not felons) about absentee ballot voting in Kentucky. The inclusion of opinions towards pretrial detainee was included due to the de facto disenfranchisement the likely occurs across the state.

As it relates to probationers, parolees and prisoners, this research does provide some preliminary data on what some Kentuckians believe about the retention of voting rights. Based on the descriptive statistics, the majority of respondents supported the retention of voting rights for probationer and parolees, while support declined for prisoners.

This is an interesting finding for a state that permanently disenfranchises individuals after their sentence is completed. If Kentucky residents and students are philosophically in favor of enfranchising probationers and parolees, then it could easily be inferred that they would practically be supportive of re-enfranchising ex-probationers and ex-parolees. Only 40% of respondents supported the retention of voting rights for prisoners. Considering that there are only two states in the country that allow this practice then the findings from this study are consistent with what the majority of states' current felon disenfranchisement policies (The Sentencing Project, 2005). This suggests that if the current campaign in Kentucky to automatically restore ex-felon voting rights is successfully completed, then it may be plausible for an organized effort to work towards allowing probationers and parolees the vote, which is currently a practice in 31 and 36 states, respectively (The Sentencing Project, 2005). However, based on the current philosophy of the Restoration of Voting Rights Coalition, which advocates on behalf of those who have served their time, those still under correctional supervision have not proven to be rehabilitated or completed their sentences, so many groups in the Coalition may not be supportive of the retention of voting rights for probationers and parolees.

*The Impact of Offense Type on Restoration Opinions*

As it relates to retention and restoration, the latter is the current issue in Kentucky. The ROVRC and State Representative Jesse Crenshaw (D-Lexington) were more successful than ever with their 2007 attempt at presenting and sponsoring legislation that would automatically restore the right to vote to ex-felons. On February 28, 2007, HB 70 successfully passed through the House, though with some amendments. The bill was sent to the Senate on March 3, 2007 where it remains. No automatic restoration bill has ever made it that far to date, so regardless if it passes, the Coalition has made progress. The impact of offense type was obviously an issue with legislators because a House Committee Substitute (HCS) added on February 15, 2007 provides for automatic restoration, but bars murderers, rapists or sodomy offenders from eligibility. The current research did not ask a question specific to murder, but it did refer to violent crimes as well as sex crimes against adults and children. Even with the specific offense type outlined, the majority of respondents felt that ex-offenders of these offenses should get their rights back. One could argue that the current automatic restoration bill and the opinions of citizens are in line with each other considering this research did not limit reenfranchisement to automatic restoration. There is no way to determine which type of restoration (automatic versus other processes, such as an executive pardon) the respondent had in mind while answering the questions.

### Limitations of Study

This study is limited by issues involving the sample and survey development. First, the selection of survey research appropriately fits with the desired outcome for this research; however, the sample was limited only to college students attending Kentucky State University. As such, the results here are not generalizable to the mass public. The sample was selected through a convenience sampling method, which is another factor that severely restricts the generalizability of the study outcomes. Without randomization there is no way to guarantee that every student had an equal chance for participation and thus negates the ability to generalize the results. Another related limitation is the population in which the sample was selected. KSU is a Historically Black College and University (HBCU); therefore the results cannot be generalized to the typical college setting or representative of the average college student.

At the outset, this study was described as exploratory. Therefore, the sample size and inability to generalize were forfeited in an effort to examine this topic as never before. Ultimately, that decision allowed the exploitation of a disadvantage in interaction research best described as failure to observe interactions. Jaccard (2001) suggested that when doing interaction analysis there are occasions when interactions are not present as expected. He attributes this occurrence to the following five possibilities:

1. Multicollinearity
2. Measurement error
3. Model misspecification
4. Inappropriate metrics
5. Small sample sizes

For this dissertation, sample size seems to be the culprit. Jaccard (2001) suggests that in order to avoid this downfall, a researcher must ensure that their sample size is adequate enough to support the statistical power of the analyses. This disadvantage is most damaging when revealing the results of the multiple moderated regression analysis. There were several instances where the product term was accompanied by a statistically significant coefficient and supported by the confidence interval and subgroup comparison. However, once the change in rsquare was calculated, the strength of the interaction did not meet the common threshold held by leading scholars in the field. Therefore, those interaction effects were deemed insignificant and not reported in this dissertation.

Second, the survey was limited by the omission of a measure that indicated voter eligibility. The rationale behind the inclusion of such a measure would be the role of the civic engagement of those who are contributing to public opinion, which is a serious issue in a state such as Kentucky. Kentuckian voters will have to ultimately vote on a constitutional amendment if the state law regarding felon voting were to change. As such, if the sample had been asked if they were registered to vote in Kentucky, then the data might reveal the likelihood of the passage of a ballot measure on felon voting.

Third, the questionnaire items in the survey might be a limitation of the study, and should be viewed as such. Though many of the questions have been used in previous research (i.e. the voting questions were used in Manza et al, 2004; the rehabilitation items in Taxman, 2006), these items were not tested for sensitivity to different populations. Due to the fact that the sample under study was predominantly African-American and previous research used the items on samples comprised of mostly White respondents, there is no

way to determine whether or not these questions may pose some bias in terms of how the potential respondent read or interpreted the question. For example, the white collar felon item asked for opinions about an individual who was convicted of illegal stock trading though many other crimes could be considered white collar. Even though Manza et al (2004) used this in their study, it is unknown whether the respondent pool considers illegal stock trading to be a white collar crime. Further work should be done to consider the impact of the questionnaire item for different populations.

Overall, the limitations of this study did not diminish the significance of its contribution to the existing literature on felon voting rights opinions. However, further analysis could be useful in determining what the general public in Kentucky opines about the issue.

#### Future Recommendations

The present study creates a number of avenues for future research. To better understand the association between demographic characteristics and the development of opinions towards felon voting rights, future research should address sampling frame and instrument development.

First, this study may serve as a template for future more in-depth public opinion research in Kentucky. According to ROVRC's three year plan, they must first ensure the passage of a constitutional amendment that will allow a ballot measure on this issue. Due to the politics of the General Assembly, this did not happen in the 2005 session. As such, they are starting process again for the upcoming year. In order to affect change in the legislators' minds, it is necessary to continue to conduct research that reflects what their



constituents believe. There has never been a comprehensive public opinion poll on felon voting rights in the Commonwealth of Kentucky.

Second, while other research has focused on the opinions and knowledge of disenfranchised parolees in Kentucky it may serve a unique purpose to poll pretrial detainees, probationers and released prisoners on the level of knowledge they have regarding their voting rights. The findings of such research would reveal the level of de facto disenfranchisement that may also need to be remedied by legislation that requires these classes of individuals to be informed of their right to vote.

Third, further research could serve to clear up the confusion as a result of the unclear relationship between rehabilitative attitudes and support for felon voting rights. The use of a larger, more representative sample to analyze the relationship between rehabilitation and restoration and retention could inform policy decisions. If a true empirical relationship is identified, then there might be a feeling that the goals of the criminal justice system contradict punishment policies (see Steinmetz, 2003).

Finally, this research has potential for being used as a model for future research on a sample that is more representative of Kentuckians in general. The 2007 Legislative Session of the Kentucky General Assembly recently ended. Much support was garnered for HB 70, which would have created the ability for Kentuckians to vote on a constitutional amendment allowing for the automatic restoration of felon voting rights. This bill has been presented at least three times before, but has never gone this far. It passed through the House (as of 2-28-76) with an amendment barring murderers, rapists or sodomy offenders from automatic restoration. It was received in the Senate on 3-1-07, where it remains. If it

passes in the near future, a statewide poll would be helpful in assessing where gaps of knowledge and opposition towards restoration exist. This research could serve as a model for identifying the determinants and interactions for a wider, more applicable population representing the residents of Kentucky.

### Conclusion

Despite the need for additional research, the results from this dissertation help us understand how some opinions towards felon voting rights might be affected by one's political socialization. It is hoped that the present study will contribute to new assessments and research models that can aid in targeted legislative initiatives in States that permanently disenfranchise convicted felons. In addition, the existing empirical literature on this topic, similar to most public opinion research, fails to acknowledge the opinions of African-Americans, the population most likely to be disproportionately affected by felon disenfranchisement. While not generalizable to the general public, this dissertation provides insight regarding the level of awareness a largely, African-American sample has of felon voting laws. In a state where an estimated one in four African-Americans is disenfranchised because of a felony conviction, the lack of knowledge is distressing because it indicates that they are not aware of the affect felon disenfranchisement has the political engagement and power of African-Americans.

A caveat may be in order here. Though this study focuses on the opinions of a predominantly African-American college student sample, there is no evidence that shows that populations of other races and ethnicities are more knowledgeable about felon voting

rights. In fact, previous research in Kentucky found that county clerk office employees and probation/parole officers lack knowledge about Kentucky's felon voting policies as well (ACLU, 2005). Those interviewed in the ACLU survey represented 30 of the 45 counties in Kentucky. The findings of this study should not be interpreted that students at HBCU's, are more or less knowledgeable about voting related issues.

More research like this dissertation could serve to inform policy makers and the general public, which would ultimately help improve and stabilize the political presence of African-American communities that are disproportionately affected by felon disenfranchisement (League of Women Voters, 2006; Manza & Uggen, 2002; Uggen & Manza, 2002).

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KY Const. § 145 (1955).

U.S. Const. art. I § 10.

H.B. 2020, Gen. Assem., Reg. Sess. (Va. 2002).

S.J.R. 283, Gen. Assem., Reg. Sess. (VA 2002).

H.B. 281, Gen. Assem. (Ky 2001).

S.B. 239, Gen. Assem., Reg. Sess. (Ky 2004).

U.S. Const. amend. XVI, § 2.

**APPENDIX A****MCV Campus**

V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y

DATE: April 13, 2006

TO: Faye Taxman, PhD  
Government and Public Affairs  
Box 842028FROM: Lea Ann Hansen, PharmD  
Chairperson, VCU IRB Panel D  
Box 980568RE: **VCU IRB #: BM10116**  
**Title: Felon Voting Laws: Values, Knowledge and Opinions of African-American Students****Office of Research**Office of Research Subjects  
ProtectionBioTech Research Park Building One  
800 East Leigh Street, Suite 114  
PO Box 980568  
Richmond, Virginia 23298-0568804 828-0968  
Fax: 804 827-1446  
TDD 1-800-828-1120

On April 12, 2006, the changes to your research study were approved in accordance with 110 (b) (2). This approval includes the following items reviewed by this Panel:

**PROTOCOL: Felon Voting Laws: Values, Knowledge and Opinions of African-American Students**

- Wording changes to survey, "Felon Voting Laws: A Study of Values, Knowledge, and Opinions" (received in ORSP 4/10/06)

As a reminder, the approval for this study expires on March 31, 2006. Federal Regulations/VCU Policy and Procedures require continuing review prior to continuation of approval past that date. Continuing Review report forms will be mailed to you prior to the scheduled review

This Institutional Review Board is in compliance with good clinical practices (GCP) as defined under the U.S. Food and Drug Administration (FDA) regulations and the International Conference on Harmonization (ICH) guidelines. Virginia Commonwealth University is approved by DHHS to conduct human subjects research under a Federal Wide Assurance #FWA00005287. All correspondence related to this research study must include the IRB protocol number and the Investigator's name(s) to assist us in locating your file.

The Primary Reviewer assigned to this review is Lea Ann Hansen, Pharm.D. If you have any questions, please contact Dr. Hansen at [redacted] or [redacted], or you may contact Megan Edwards, IRB Coordinator, VCU Office of Research Subjects Protection, at [redacted] or [redacted].

**APPENDIX B**

# Voting Laws

**Instructions:**

The information in this survey is being collected for a doctoral dissertation. All information is confidential. No individual information will be reported. Please answer each question by marking the appropriate box and/or by printing the requested information in the space provided.



Attitude toward people who have been involved with the criminal justice system  
**In this section, we are interested in your feelings toward those involved the criminal justice system.**

**1. To what extent do you agree or disagree with the following statements about crime reductions?  
 (Check one for each row)**

	strongly disagree	disagree	neither disagree nor agree	agree	strongly agree
<b>The best way to reduce crime is to...</b>					
a. Show people who use drugs they will be punished severely if they don't stop	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
b. Make sure criminals get effective treatment for addictions and other problems while they're in prison/jail, or on Supervision in the community	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
c. Keep criminals in prison/jail and off the streets	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
d. Use the "eye for an eye, tooth for a tooth" principle	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
e. Deter future offenders by severely punishing criminals who are caught and convicted	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
f. Provide criminals with treatment to address addiction, mental health problems, or other problems	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
g. Make sure that the treatment provided is matched to the offender's needs	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
h. Keep criminals in prison/jail where they can't bother law abiding citizens	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
i. Provide more treatment, jobs, and educational programs to address problems that often contribute to crime	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
j. Keep drug users in prison/jail and off the streets	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
k. Punish addicts in prison/jail to stop them from using drugs	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
l. Deter future criminals by severely punishing drug users who are caught and convicted	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>

### Knowledge of Kentucky felon voting laws

**In this section: an offender is someone who has been convicted of a crime. A felon is someone who has been convicted of a serious crime that is punishable by incarceration, usually in a state of federal prison, for periods of one year or longer.**

**Indicate whether the following people have the right to vote.**

**2. In Kentucky, upon conviction, offenders lose their right to vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**3. In Kentucky, only incarcerated felons lose their right to vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**4. In Kentucky, convicted felons on probation can vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**5. In Kentucky, convicted felons on parole can vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**6. In Kentucky, individuals awaiting trial at the time of an election can vote in that election.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**7. In Kentucky, upon release from prison, convicted felons automatically regain their right to vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**8. In Kentucky, convicted felons need only fill out an "application for restoration of civil rights" to regain their right to vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**9. In Kentucky, convicted felons must be granted a pardon by the governor to regain their voting rights.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**10. In Kentucky, convicted felons can never regain their right to vote.**

- ☐ No (0)  
☐ Yes (1)  
☐ Don't Know (3)

**Attitude toward felon voting laws**

**In this section: an offender is someone who has been convicted of a crime. A felon is someone who has been convicted of a serious crime that is punishable by incarceration, usually in a state or federal prison, for periods of one year or longer.**

**11. Some feel that pretrial detainees, people awaiting trial in jail, at the time of an election should have the right to vote. Others feel that they should not have the right to vote. Do you think pretrial detainees should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**12. Some feel that people convicted of a crime who are sentenced to probation, but not in prison, and are living in the community should have the right to vote. Others feel that they should not have the right to vote. Do you think people on probation should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**13. Some feel that people convicted of a crime who have been released from prison on parole and are living in the community should have the right to vote. Others feel that they should not have the right to vote. Do you think people on parole should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**14. Some feel that people convicted of a crime who are in prison should have the right to vote. Others feel that they should not have the right to vote. Do you think people in prison should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**15. Now how about people convicted of a crime who have served their entire sentence and are now living in the community. Do you think they should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**16. Now how about people convicted of a violent crime, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**17. Now how about people convicted of a sex offense, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**18. Now how about people convicted of a sex offense against a child, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

**19. Now how about people convicted of the illegal trading of stocks who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?**

- ☐ No (0)  
☐ Yes (1)

#### About You

**In this section, we are interested in information about you. This information will help us interpret the results.**

**20. What is your age?** \_\_\_\_\_

**21. What race do you consider yourself?**

- ☐ White (0)  
☐ African-American/Black (1)  
☐ Hispanic (2)  
☐ Other (3)

**22. What is your sex?**

- ☐ Male (0)  
☐ Female (1)

**23. What is major?** \_\_\_\_\_

**24. What is your classification?**

- ☐ Freshman (0)  
☐ Sophomore (1)  
☐ Junior (2)  
☐ Senior (3)  
☐ Graduate Student (4)  
☐ Other . Please specify \_\_\_\_\_ (5)

**25. While attending college have you received a federal Pell grant?**

- ☐ No (0)  
☐ Yes (1)

**26. Generally speaking, do you usually think of yourself as a Republican, Democrat, or Independent?**

- ☐ Strong Democrat (0)  
☐ Democrat (1)  
☐ Independent, near Democrat (2)  
☐ Independent (3)  
☐ Independent, near Republican (4)  
☐ Republican (5)  
☐ Strong Republican (6)  
☐ Other (7)

**27. Are you currently:**

- ☐ On probation/parole (0)
- ☐ Just released from prison/jail (1)
- ☐ Awaiting trial for a criminal offense (2)
- ☐ In a pretrial diversion program (3)
- ☐ I am not currently under correctional supervision (4)

YOU ARE DONE.

THANK YOUR FOR PARTICIPATING IN THIS IMPORTANT STUDY.

### **APPENDIX C**

Class Distribution Table

Course Number	Course Title	Enrollment
PUA 500	Perspectives on Public Administration	17
PUA 501	Quantitative Methods	18
PUA 504	Organizational Theory	15
PUA 506	Human Resource Management	14
CJE 103	Introduction to Criminal Law	24
CJE 204	Criminal Evidence	18
CJE 205	Introduction to Corrections	17
CJE 404	Institutional Corrections	13
CJE 408	CJ Administration II	22
GNT 102	Problems in Aging	22
GNT 402	Black Aged	16
SOW 315	Advanced Skills in Social Work	15
SOW 322	Social Welfare Policies	24
SPE 103-02	Interpersonal Communications	20
SPE 103-03	Interpersonal Communications	19
SPE 103-04	Interpersonal Communications	20
SPE 103-08	Interpersonal Communications	19
IGS 200	Foundations of Cultures	25
UNV 101	University Orientation	45

## **APPENDIX D**

### **RESEARCH SUBJECT INFORMATION AND CONSENT FORM**

**TITLE:** Felon Voting Laws: Values, Knowledge & Opinions of African-American Students

**VCU IRB NO.:** HM10116

This consent form allows you to take the following survey. If you do not understand anything, please let me know and I will explain it to you.

#### **PURPOSE OF THE STUDY**

The purpose of this study is to examine public opinion toward prohibitions that may or may not exist in this state regarding people that have been convicted of a crime. You are being asked to participate in this study because the research team is interested in the opinions of college students.

#### **DESCRIPTION OF THE STUDY AND YOUR INVOLVEMENT**

If you decide to be in this research study, you will be asked to indicate your consent on this form after you have had all your questions answered and understand what will happen to you.

In this study you will be asked to complete a questionnaire in this class that asks about your opinions towards voting rights for those who have been convicted of a crime. The questionnaire consists of 25 questions that include information on you (e.g. age, sex, race, etc.); knowledge of Kentucky felon voting laws; attitude toward offenders; and opinions toward restoring voting rights for those convicted of crimes.

#### **RISKS AND DISCOMFORTS**

There is minimal risk involved in participating in this study. The survey questions should provide no more discomfort than is normal in daily life regarding giving your opinion. Some questions will ask personal information that you may find unpleasant and if there is any question that you desire to not answer, you do not have to. The research staff assures you that procedures to reduce the risks will be implemented as outlined in the confidentiality section of this form. You do not have to talk about any particular person but your overall opinion.

#### **BENEFITS**

You may not get any direct benefit from this study, but, the information we learn will assist us in understanding society's attitudes towards offenders and voting.

#### **COSTS**

There are no costs for participating in this study other than the time you will spend filling out the questionnaire in this class.

#### **CONFIDENTIALITY**

All information is confidential. The information will be summarized into a study report and maybe journal articles. No individual information will be reported. The survey instruments will not have names or any identifiers on them so no one will be able to tell which survey belongs to what individual. What we find from this study may be presented at meetings or published in papers, but your name will not ever be used in these presentations or papers.

#### **VOLUNTARY PARTICIPATION AND WITHDRAWAL**

You do not have to participate in this study. If you choose to participate, you may stop at any time without any penalty. You may also choose not to answer particular questions that are asked in the study.

#### **QUESTIONS**

In the future, you may have questions about your participation in this study. If you have any questions, contact:

Cherie Dawson-Edwards  
Kentucky State University

Faye S. Taxman, Ph.D, Professor in the Wilder School of Government and Public Affairs  
Virginia Commonwealth University  
923 West Franklin, Suite 501  
Richmond, VA 23284  
Telephone: 804-828-8012

If you have any questions about your rights as a participant in this study, you may contact:

Office for Research Subjects Protection  
Virginia Commonwealth University  
800 East Leigh Street, Suite 111  
P.O. Box 980568  
Richmond, VA 23298  
Telephone: 804-828-0868

#### CONSENT

I have been given the chance to read this consent form. I understand the information about this study. Questions that I wanted to ask about the study have been answered. Completing the survey indicates that I am willing to participate in this study.

## **APPENDIX E**

### Knowledge Index

In Kentucky, upon conviction, offenders lose their right to vote.  
 In Kentucky, upon conviction, offenders lose their right to vote.  
 In Kentucky, convicted felons on probation can vote.  
 In Kentucky, convicted felons on parole can vote.  
 In Kentucky, individuals awaiting trial at the time of an election can vote in that election.  
 In Kentucky, upon release from prison, convicted felons automatically regain their right to vote.  
 In Kentucky, convicted felons need only fill out an "application for restoration of civil rights" to regain their right to vote.  
 In Kentucky, convicted felons must be granted a pardon by the governor to regain their voting rights.  
 In Kentucky, convicted felons can never regain their right to vote.

Alpha = .701

### Retention Index

Some feel that pretrial detainees, people awaiting trial in jail, at the time of an election should have the right to vote. Do you think pretrial detainees should have the right to vote?

Some feel that people convicted of a crime who are sentenced to probation, but not in prison, and are living in the community should have the right to vote. Do you think people on probation should have the right to vote?

Some feel that people convicted of a crime who have been released from prison on parole and are living in the community should have the right to vote. Do you think people on parole should have the right to vote?

Some feel that people convicted of a crime who are in prison should have the right to vote. Do you think people in prison should have the right to vote?

Alpha = .561

### Restoration Index

Now how about people convicted of a crime who have served their entire sentence and are now living in the community. Do you think they should have the right to vote?

Now how about people convicted of a violent crime, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Now how about people convicted of a sex offense, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Now how about people convicted of a sex offense against a child, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Now how about people convicted of the illegal trading of stocks who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Alpha = .706

### CJ Attitudes Index (Rehabilitation subscale (b,f,g,i))

Make sure criminals get effective treatment for addictions and other problems while they're in prison/jail, or on supervision in the community (CJAttitude2)

Provide criminals with treatment to address addiction, mental health problems, or other problems (CJAttitude6)

Make sure that the treatment provided is matched to the offender's needs (CJAttitude7)

Provide more treatment, jobs, and educational programs to address problems that often contribute to crime (CJAttitude9)

Alpha = .849



### VITA

A native Kentuckian, Cherie Dawson Edwards was born February 28, 1976 in Louisville. She is an Assistant Professor of Criminal Justice at Kentucky State University. Mrs. Edwards currently holds doctoral candidacy in Public Policy and Administration at Virginia Commonwealth University with anticipated completion in May 2007. Her research and teaching interests center on the intersection of public policy and criminal justice with a specific focus on the field of corrections.

She holds bachelor's degrees in Sociology and Journalism from Western Kentucky University and a MS in Justice Administration from the University of Louisville where her research concentration was racial profiling. Her teaching career began at Virginia State University (VSU) in Petersburg, Virginia. In 2004, she moved back to Kentucky to wed Victor Edwards. Soon after, she began teaching at Elizabethtown Community & Technical College (ECTC) in Elizabethtown, KY. At ECTC, she was also the Program Coordinator for the associate's degree in Criminal Justice.

In addition to teaching, Mrs. Edwards has worked in probation and victim services. She also is a dedicated volunteer who has provided service to agencies such as: 4-H, Exploited Children's Help Organization (ECHO), Court Appointed Special Advocates (CASA), and Junior Achievement. She considers herself an advocate for the marginalized

and voiceless members of society. As such, she is committed to fighting the many faces of injustice.

Outside of her job, academics, and volunteer work, Mrs. Edwards is the mother of a 11 month old son, Cameron. She and her family reside in Louisville, Kentucky.